TAXATION SUPPLEMENTARY TO STATE SUPPORT OF SCHOOLS IN NORTH CAROLINA SINCE 1868

CHARLES FISHER CARROLL, JR.

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By

Charles Fisher Carroll,Jr.

Submitted in partial fulfillment of the requirements for the degree of Master of Education in the Graduate School of Arts and Sciences of Duke University.

Durham,N.C.

1930

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PREFACE

This study attempts to show the extent of taxation supplementary to State support of schools in North Carolina since 1868, and to define the causes and results of such supplementary taxation.

Supplementary taxation, as used here, will include any funds raised by voluntary local effort to supplement the general and uniform support provided by State action for the public schools. Wherever the legislature by special or general act authorized counties or other local units to impose upon themselves a tax burden beyond the general burden imposed by the legislature, this study undertakes to consider the additional support resulting from such voluntary assumption.

Sufficient attention is given to the social, political, and economic conditions of the period to suggest the variety of influences which played part in the establishment and maintenance of a system of public education and particularly in determining the development of local taxation as a means of school support.

While no intensive endeavor is made either to justify or to condemn the principle of local taxation as a permanent policy, this study indicates that such a plan of support has played an important part in the

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development of a system of public education in North Carolina. It indicates further that the plan was probably a natural step toward developing the uniform minimum term of eight months for the State, which in the words of Governor Gardner seems "just around the corner."

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TAXATION SUPPLEMENTARY TO STATE SUPPORT OF SCHOOLS IN NORTH CAROLINA SINCE 1868

CHAPTER I

INTRODUCTION

The Constitution of 1868, in an attempt to promote the cause of public education, required, among other things, that the General Assembly should provide for a general and uniform system of public schools, a definite acknowledgment that public education was to be a function of the State. The General Assembly of 1869 obeyed the constitutional mandate to establish a general and uniform system of public schools by supplying what was considered to be the machinery necessary to carry this purpose into operation.

From 1868 to 1919, the required constitutional term for schools was four months, while the required term since 1919 has been six months. Have these constitutional provisions in regard to length of term been fulfilled? Has there been established a general and uniform system of public schools? The statistics in Table I showing the length of school term suggest partial answers to these questions.

(INSERT HERE TABLE I)

TABLE I

LENGTH OF SCHOOL TERM IN DAYS, 1880-1928[1]

Year	Average Term White Rural Schools	Average Term White City Schools	Average Term All White Schools	Average Term Colored Rural Schools	Average Term Colored City Schools	Average Term All Colored Schools
1880	48	170	50	48	160	49
1890	57	170	67	57	160	65
1895	61	170	70	60	160	70
1900	73	170	82	67	160	77
1905	85	171	94	81	168	91
1910	93	175	105	82	165	94
1915	116	170	125	102	168	113
1920	126	170	135	118	165	127
1925	138	177	148	125	172	136
1928	143	179	152	125	175	137

1. Coon, C.L., A Statistical Record of the Progress of Public Education in North Carolina 1870-1906, p.16

State School Facts, Volume V, No.11

It will be observed quite readily that the required constitutional term has not been fulfilled over certain periods. Why? It is evident also that there never has been a general and uniform system of public education. Why has this condition existed? What accounts for the fact that every county in North Carolina today has an average term in excess of the required constitutional term,[1] whereas in former times the minimum requirements were not fulfilled? Every school enjoying a term in excess of the required constitutional term of six months is being maintained partially through funds raised from special local taxes. Why and when was this method of supplementing the regular funds first employed? As a result of this plan of support, what benefits have accrued to these particular districts levying local taxes and what, if any, to those not levying an additional tax? These and similar questions are partially answered in this study of the evolution of taxation supplementary to State support of schools in North Carolina since 1868.

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1. State School Facts, Vol.V, No.11.

of schools in North Carolina since 1838.

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1. State School Facts, Vol. V, No. 11.

CHAPTER II

THE INITIAL PERIOD OF FUTILE STRIVING FOR PUBLIC EDUCATION, 1868 TO 1875

1. Constitutional and Legislative Provisions for Public Education

In 1868, as a result of conditions created by the Civil War and in accordance with the Congressional plan of reconstruction, the will of the voting portion of the population of North Carolina was embodied in a new Constitution (commonly referred to as the "Carpet-Bag" Constitution), the ratification of which was effected on April 24 by a popular vote of 93,084 to 74,015.[1] Although the general policies of the makers of this Constitution are popularly condemned, it would probably be an injustice to declare that an honest attempt was not made to establish and maintain a system of public education. The following provisions of the new Constitution[2] are evidence of what was attempted:

> Article I, Section 27: "The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right." (Although nothing visible or tangible is granted by this provision, the positive acknowledgment of the people's right to the privileges of education and the State's moral, if not financial, obligation to guarantee educational opportunities to all of the people is clear).
>
> Article V, Section 1: "The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on

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1. Hamilton, J.G.deR., History of North Carolina, Vol. III, p.101.
2. Public Laws of North Carolina, 1868-1869, pp. III ff.

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[illegible], J. H. deR., History of North Carolina, Vol. III, p. 101.

[illegible] Laws of North Carolina, 1868-1869 pp. [illegible].

property valued at $300 in cash. The Commissioners of the several counties may exempt from capitation in special cases, on account of poverty and infirmity, and the State and County capitation tax shall never exceed $2 on the head."

(The effect of this limitation was to make the tax on the poll the standard by which the tax on property was to be levied. It limited the property tax for State and County purposes to sixty-six and two-thirds cents on each one hundred dollars of valuation).

Article V, Section 2: "The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than 25% thereof be appropriated to the latter purpose."

(Thus did the Constitution authorize direct State and County appropriations in support of public schools).

Article IX, Section 2: "The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the age of six and twenty-one years."

(This is a concise declaration that the State is obligated and responsible for public education and that education is a State function; however, it does not mean necessarily that the State government---the central government---is solely responsible for the complete establishment and maintenance of the public schools).

Article IX, Section 3: "Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment."

(This provision in the Constitution is sufficient proof that the duty of the State to foster a satisfactory system of public schools may be delegated to an agency of the State).

Article IX, Section 4: "The proceeds of lands that have been, or hereafter may be granted to

this State and not otherwise specifically appropriated by the United States or heretofore by this State;also,all moneys,stocks,bonds,and other property belonging to any fund for purposes of education;also,the net proceeds that may accrue the State from the sale of estrays,or from fines, penalties,and forfeitures;also,the proceeds of the sales of swamp lands belonging to the State;also, all money that shall be paid as an equivalent for exemption from military duty;also,all gifts,grants, or devises that may hereafter be made to the State, and not otherwise appropriated by the gift,grant, or devise,shall be securely invested and sacredly preserved as an irreducible educational fund,the annual income of which,together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and perfecting in this State a system of free public schools,and for no other purposes or uses whatsoever."

(Another writer has commented on this section thus: "In short,the section of the Constitution quoted above not only directs that the old Literary Fund be used for the support of the public schools,but it very definitely places all the property of the State behind the education of the State in the phrase:'together with so much of the ordinary revenue of the State as may be necessary.'"[1]

Article IX,Section 1,which was first stated in the Northwest Ordinance of 1787,should also be quoted as follows:

"Religion,morality,and knowledge being necessary to good government and the happiness of mankind,schools and the means of education shall forever be encouraged."

As we shall see,however,this clause and others quoted were seriously weakened in practice because of the judicial interpretation placed upon yet another constitutional provision found in Article VII,section 7, reading as follows:

"No county,city,town,or other municipal

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1. Grigg,C.,Legislative Basis for State Support of Public Elementary and High Schools in N.C.since 1363,p.4.

> corporation shall contract any debt,pledge its faith or loan its credit,nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof,unless by a vote of the majority of the qualified voters therein."

Quite naturally,however,the General Assembly did not assume that this section was intended to nullify the other sections quoted;and having a constitutional mandate to establish and maintain a system of public schools as set forth in the preceding paragraphs, the Assembly on April 12,1869,enacted a statute providing necessary machinery:[1]

> Section 10: "The County Commissioners shall,in their respective counties,order a tax for the purchase of sites for school houses,for building or renting school houses:Provided,That such site cannot be obtained by donation or otherwise;which said tax shall be assessed and collected in the same manner as County taxes....."
>
> Section 25: "In case any township,at annual meeting,shall fail to provide for schools to be taught at least four months for that year,and to provide for fuel,and to make any other provisions necessary for the efficiency and success of the schools,the School Committee shall immediately forward to the County Commissioners an estimate of the necessary expenses, and a tax equal to the amount of such estimate shall be levied on the township by the County Commissioners at the same time that the County taxes are levied,and the School Committee,under the direction of the County Commissioners,shall provide whatever shall be necessary for the schools for four months,and pay all the expenses for the same out of the funds raised by the tax to be levied or provided in this section."
>
> Section 52: "That the State and County capitation tax shall be collected at the same time

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1. Chapter 184,Public Laws of North Carolina,1868-69.

and place,and by the same persons that State taxes are collected,and that 75% of said State and County capitation tax shall be paid into the State Treasury,as a revenue for the support of public schools."

Section 53: "In addition to the proceeds of the capitation tax,in order that the schools may be continued for the term of four months,the General Assembly hereby appropriates one hundred thousand dollars out of any moneys in the Treasury not appropriated otherwise,and authorizes the Treasurer of the State to pay that sum to the County School Treasurer in the manner provided for in this act." (In proportion to the number of pupils to be instructed,school census,6-21.)

"Thus it is seen that the legislature at its first session after the adoption of the Constitution of 1868 made such provision for a system of public schools as directed by the Constitution. It is true that the amount appropriated was small,but the fundamental principles involved were sound. In the first place,the law very definitely established the principle of state support in that it not only made a flat appropriation of $100,000 but also in that it directed that the capitation tax be paid into the state treasury. Moreover,the fact that the $100,000 appropriated came from the general fund and was appropriated to the counties in proportion to the number of pupils to be instructed rather than according to the amount collected from each county indicated again that the legislature intended that all the property of the State was behind the education of the children of the State."[1]

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1. Grigg,C.,Legislative Basis for State Support of Public Elementary and High Schools in North Carolina since 1868,pp.5-6.

2. Inadequacies of Constitutional and Legislative Provisions for Public Schools

The new Superintendent of Public Instruction,Rev.S.S.Ashley,was a man of no little ability; but he was unable to gain the confidence of the people. In the opinion of Dr.J.G.deR.Hamilton,Superintendent Ashley spent more of his time in prophesying the development of the schools than in achieving results.[1] For the school year ending Sept.30,1869,it was predicted that there would be available a public school fund of $300,000 for the education of the 330,581 children who should attend,but at the end of that year no taxes were forthcoming nor did the legislative appropriation of one hundred thousand dollars ever materialize. For the year ending September 30, 1870,the total amount of revenue available for public schools was $136,076.92,but only $38,981.86 of that sum was actually spent for schools.[2]

The school system itself had many defects which hindered its progress,but lack of funds was the chief weakness. The old Literary Fund produced only a very small amount;the State appropriations could not be paid;and the receipts from capitation taxes were practically negligible. In March,1870,a tax of eight and one-third

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,pp.352-353

2. State School Facts,Vol.VI,No.2

cents was levied on all taxable property of the State with the hope that a sufficient amount would be raised to pay the State's appropriation for the year ending September,1869,but only $23,000 was collected from the entire levy.

Although the State was unable to contribute sufficiently to the cause of education,there was one means of raising funds open,namely,the means of local taxation as provided for in section 25 of Chapter 184, Public Laws,1868-69. However,the constitutionality of this provision was to be tested in the courts before opportunity to employ it was given.

In 1870,the people of "number three" township of Craven County,having failed to receive sufficient appropriations from the State and County to provide for schools to be taught at least four months that year,were called upon to levy a sufficient tax upon themselves to cover the difference between the appropriations from other sources and the necessary expenses for the support of public schools in that township. The people of the township failed to provide for schools. Thereupon, the school committee,acting under authority granted in section 25 of Chapter 184,Public Laws of 1868-1869, forwarded to the county commissioners an estimate

of the necessary expenses for the maintenance of public schools for at least four months. The county commissioners, acting upon authority conferred by the same statute, proceeded to levy a sufficient tax upon "number three" township to defray the necessary expenses for schools. As soon as the tax was levied,James S.Lane and other taxpayers of"number three" township sought an injunction to prevent its collection on the ground that the levying and collection of the tax was in violation of section 7 of Article VII of the constitution,which prohibited the levying and collection of any tax "except for the necessary expenses..... unless by a vote of the majority of the qualified voters." It was alleged further that this tax disregarded "the equation of taxation" as required by section 1 of Article V of the constitution. The defendant,Tax Collector Stanly,and the commissioners cited the authority for levying the tax and declared that the tax in question was for a necessary expense and, therefore,not a matter to be submitted to the qualified voters. On November 12,1870,Judge William J.Clarke,of the Superior Court of that district,refused to grant the injunction. Whereupon,the plaintiffs appealed with success to the Supreme Court. The court held "that

townships have not the power of taxation for school purposes,either through their trustees or committees. Nor has a county the power to levy township taxes,as distinguished from the general county tax for school purposes. And in laying the county tax for school purposes,the equation of taxation must be observed."[1]

One of the ablest school men of this generation has admirably summarized the feeling of North Carolina school men generally as to the decision of Lane v. Stanly,thus:

> "So,in the name of uniformity the General Assembly of 1868-69 which had created the several townships as governmental and administrative units was held not to have the power to authorize and compel by statute its creatures to levy a tax in aid of a four months school term.....
>
> "Evidently the authors of the constitution of 1868 and the authors of the school act of 1868-69 intended that the State,the county and the township (school district) should all contribute by taxation to the support of public schools,never even dreaming that any one would seriously argue that public schools were not a necessary State,county and municipal expense or that any one would invoke the general tax limitation of section 1 of Article V to prevent adequate taxation for the establishment of public schools in every district for at least four months in every year.....
>
> "Our highest court decided in the case of Lane v.Stanly that public schools were necessary expense for the minimum term of four months for the whole county,but not a necessary expense for the

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1. Lane v.Stanly,65 N.C.,153,at p.158

> smaller integral parts or units composing the county,viz.,the townships which the school law of 1868-69 designated as the school districts of the county."[1]

Although Lane v.Stanly was probably correct in its legal interpretation and has in fact never been overruled,from a practical standpoint this caustic criticism was justified,for the decision was a serious blow to the cause of education. Local progress became subject to county progress as determined by popular vote,and the entire burden of support was placed upon the county and State at a time when both were financially weak. If these two agencies of government failed to provide sufficiently for schools,then there was no alternative other than to make the best of the situation, unless the districts should resort to special legislation and the creation of school districts independent of the county system. The counties voted against additional school taxes with unfailing regularity;consequently,the main burden of support was really shifted to the State, which in turn made meager provision for education.

Realizing the inadequacy of financial support for schools,the General Assembly of 1871-72 attempted to provide for additional support. It authorized

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1. Coon,C.L.,School Support and Our N.C.Courts 1868-1926, pp.8 ff.

the levying of a six and two-thirds cents tax on all property and credits in the State and a tax of twenty cents on each poll,upon the condition that it would be unlawful for the county commissioners to levy an additional tax for free school purposes.[1] It will be observed that there was no guarantee of a four months school term. In reality,this was not a State tax but a county tax. It was levied on the property of each county,collected by the county authorities,and spent by them for the maintenance of their own county schools. The counties could collect it if they were inclined to do so,and many of them were not so inclined apparently.

In 1872 the General Assembly attempted to improve conditions by increasing the so-called State tax for public schools from six and two-thirds cents to eight and one-third cents on each one hundred dollars valuation of property and from twenty cents to twenty-five cents on each taxable poll.[2] In case this tax should prove insufficient to maintain one or more schools in each township for the period of four months,then the county commissioners could levy a special tax to supply the deficiency,provided the question of the levy and collection of the tax should first be submitted to the

1. Chapter 189,section 38,Public Laws of N.C.,1871-72
2. " 90, " 37, " " " " " ,1872-73

vote of the qualified voters of the county. The unwillingness of counties to vote additional taxes for schools had been demonstrated already;therefore, the latter provision of this act was of very little benefit. The most interesting feature of this legislation, however,is that part which absolves the county commissioners from their constitutional duties. The constitutional responsibility of maintaining one or more public schools in every township for at least four months during the year was shifted from the General Assembly to the people of the several counties. And,strange as it may seem,no protest of any consequence was made against this legislation.

The progress of public education in North Carolina between 1870 and 1875 is demonstrated quite clearly in Tables II and III.

(INSERT HERE TABLES II AND III)

(INSERT PAGE TABLES II and III)

TABLE II

SCHOOL ENROLLMENT AND EXPENDITURES,1870-1875[1]

Year	White Enrollment	Colored Enrollment	Total Enrollment	Total School Expenditures
1870	27,942	13,970	41,912	$ 42,856.66
1871	41,274	22,089	63,363	130,939.56
1872	54,606	30,208	84,814	220,695.63
1873	67,938	38,327	106,265	191,675.07
1874	81,270	46,446	127,716	297,594.85
1875	94,602	54,565	149,167	297,594.85

TABLE III

TOTAL SCHOOL POPULATION,1870-1875[2]

Year	White School Population	Colored School Population	Total School Population	Percentage of Population Enrolled
1870	243,463	141,155	384,618	.11
1871	248,985	147,421	396,406	.16
1872	254,507	153,687	408,194	.21
1873	260,029	159,953	419,982	.25
1874	265,551	166,219	431,770	.30
1875	271,073	172,485	443,558	.34

1. Coon,C.L.,A Statistical Record of the Progress of Public Education in North Carolina 1870-1906,p.6

2. Ibid,p.11

From these statistics it is seen quite readily that only a very small portion of the school population attended school at all,and a majority of the schools were not in session for at least four months in the year.[1] The average expenditure per child per year was considerably less than three dollars,and a good part of that expenditure went for administration,buildings,and supplies.[2]

The opinions of some of the county school officers as expressed to State Superintendent Alex McIver are indicative of the real educational situation in North Carolina between 1870 and 1874:[3]

Alamance County

> "The pay is too small for any one who is qualified to teach the branches named in a first grade certificate to undertake a school..... As to the working of the present system of public schools we are unable to give any views,as it has not been put to the test here yet."

Alexander County

> "Public school system..... not yet in full operation."

Bertie County

"I would respectfully suggest that the

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1. See Table I,p.2,preceding

2. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.1870-1906,p.6

3. State Superintendent McIver's Report for 1871-74,pp.55 ff.

present mode of paying teachers should be changed, and a regular monthly stipend given....." (Teachers' salaries were based upon the number of pupils taught).[1]

Caswell County

"Very little can be expected of a school where books and fragments of books of all sorts are in use....."

Forsythe County

"There are no free schools....in the county."

Granville County

"The greatest difficulty is in the lack of means."

Greene County

"It is very difficult to find a man of intelligence who will serve as a committeeman,or have anything to do with the public schools."

Guilford County

"Some of the committeemen recently elected refuse to qualify....."

Jones County

"..... Some frauds have been committed by teachers reporting a larger number of pupils than they teach,and some committees in some instances cannot read or write,and they sign any certificate or draft the teacher presents to them." (Teachers' salaries were based upon the number of pupils taught).

Lenoir County

"The school law has too many school officers."

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1. Ibid

Montgomery County

"The citizens will not help by subscription to carry on free schools,and will not vote for an additional tax."

Nash County

"As committeemen are not paid,I do not see how they can be expected to take a proper interest in the schools."

Pitt County

"Under existing circumstances the colored school fund is misapplied,or not applied at all."

It will be seen,therefore,that in 1868-1875 provisions for the establishment and maintenance of a public school system in North Carolina were far from satisfactory. In the beginning of the period the State seemed unable or unwilling to demand the payment of taxes for schools,and at other times it failed to levy and collect an adequate tax for educational purposes. In the case of Lane v.Stanly,the Supreme Court,by holding that public schools were not a necessary expense for townships and thereby making it necessary that the question of local taxation for schools be submitted to the qualified voters of the entire county,injured the cause of education in that individual townships were more likely to promote schools than was the county or the State. The transfer

from the county commissioners to the people of the responsibilities for maintaining schools was in reality a transfer of the control of education from leaders in position to appreciate the benefits of education to a mass of voters whose primary concern was to keep taxes down,and this arrangement is reflected very clearly in the educational progress of the period.

3. Reasons for the Inadequacies of Constitutional and Legislative Provisions for Public Schools

In the preceding paragraphs it has been shown that the constitutional provisions for a system of public education were fairly admirable. The legislation enacted by the General Assembly in obedience to the constitutional mandate was more or less satisfactory. Then came the disastrous decision of the Supreme Court in the case of Lane v.Stanly,which declared that education is not a necessary local expense. Local taxation except by popular vote was forbidden,and the State and county support was uncertain and insufficient. The legislatures ignored the constitutional responsibility for maintaining a public school in every district for at least four months in every year,and finally shifted the responsibility upon the people who,in most instances, ignored it likewise. During the period 1870-1875,public education made very little progress. It was not altogether ignorance and indifference,however,that explains this slow progress. There were social,economic,and political conditions that formed the basis of educational inertia.

Dr.J.G.deR.Hamilton describes very well the [illegible] conditions existing in North Carolina after the close of the Civil War:[1]

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.161

"The close of the war found the State well-nigh prostrate. The people had been taxed to the limit during the war,the productive male population had in the main been engaged in the most unproductive of all occupations,the land had been ravaged by invading armies,crops in large areas had been destroyed by horses turned out to rest,vehicles had almost disappeared,fences were gone,often stables and other farm buildings,and even in some cases the dwellings, were destroyed,and ruin and decay were on every hand.

"Every bank in the State through repudiation of the war debt was forced into liquidation,the highest amount received by the stockholders being thirty-six cents on the dollar. New banks of course came very slowly and during reconstruction there were only six in the State,all of them national, with a combined capital of less than $1,000,000. Just as repudiation wrecked the banks,it destroyed many private fortunes and reduced thousands from comfort to extreme poverty. Business was at a standstill for lack of money and people were entirely unable to meet their obligations. Thousands, probably,went into bankruptcy."

To make matters worse,crops were very poor. To a great extent,this condition was produced by the loss and disturbance among the male population. Many of the whites were unaccustomed to actual farmwork,and the negroes would not work because of the "forty acres and a mule" myth,fostered by the Freedmen's Bureau agents.

There was a steady decline in the value of agricultural products.

"The following table for the years from 1866 to 1870 inclusive,for corn,wheat,rye,oats, barley,buckwheat,potatoes,tobacco,and hay are illuminating."[1]

(INSERT HERE TABLE IV)

1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.165

TABLE IV

VALUE OF CROPS IN NORTH CAROLINA, 1866-1870

Year	Value
1866	$45,551,450
1867	38,332,716
1868	37,339,097
1869	33,138,770
1870	31,308,654

While the tax valuation of property was probably low, as always in North Carolina, the changes through most of the period of 1867-70 are a valuable index to the true conditions:[1]

(INSERT HERE TABLE V)

TABLE V

ASSESSED VALUE OF PROPERTY IN NORTH CAROLINA, 1867-1870

Year	Land	Town Lots	Live Stock	Other Personalty
1867	$87,993,293	$ 9,654,973	Not Available	Not Available
1868	82,204,267	7,386,019	20,052,456	" "
1869	69,990,991	9,556,353	18,377,591	27,536,688
1870	68,240,609	12,900,901	17,424,231	22,344,478

Upon this property taxes steadily increased.[2]

(INSERT HERE TABLE VI)

1. Hamilton, J.G.deR., History of N.C., Vol.III, p.165

2. Ibid, p.166

TABLE VI

RATE OF TAXATION IN NORTH CAROLINA, 1866-1870

Year	Poll	Income	State Tax On $100	Special Taxes On $100
1866	$1.00	$1.00 to $3.00	.10	---
1867	.50	.50 to 1.00	.10	---
1868	.50	.50 to 1.00	.10	.05
1869	1.05	2.50	.35	.59
1870	1.10	1.50	.20	.1666

A comparison of the amount of taxation in 1870 with that in 1860 is more illuminating:[1]

(INSERT HERE TABLE VII)

TABLE VII

COMPARISON OF PROCEEDS FROM TAXATION (OTHER THAN NATIONAL) IN NORTH CAROLINA FOR 1860 AND 1870

	1860	1870
State -------	$----------	$1.200,854
County ------	----------	923,604
Town, City, etc.	----------	228,351
Total -------	$1,044,732	$2,352,809

1. United States Ninth Census, 1870, Vol. III, p.49.

Politics entered into the assessment of property for taxation, and in some of the Republican counties the burden of taxation was shifted to the large landholders, who in most instances were "Conservatives." This excessive taxation had a tendency to cause many landholders to sell their lands at a sacrifice, and many of these formerly wealthy persons emigrated to other States.[1]

A comparison of the economic condition of North Carolina in 1870 with that of 1860 gives a better description of the actual situation:[2]

(INSERT HERE TABLE VIII)

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1. Hamilton, J.G.deR., History of N.C., Vol.III, p.166

2. United States Eighth & Ninth Census, 1860 & 1870
   1860: Vol. II, pp. 94, 339
   1870: Vol. III, pp. 10, 81, 554

TABLE VIII

ECONOMIC RESOURCES IN NORTH CAROLINA, 1860-1870

	1860	1870
Assessed Value of Real Estate	$116,366,573	$ 83,322,012
" " " Personalty	175,931,029	47,056,610
True Value of Both	358,739,399	260,757,244
Lands Improved	6,517,284	5,258,742
Cash Value of Farms	143,301,065	78,211,083
Value Farming Implements & Mach.	5,873,942	4,082,111
Value Products of Industry	14,450,000	19,021,327
Number of Establishments	2,790	3,625
Capital Invested in Business	9,310,000	8,140,473

A considerable portion of the decrease in personal property may be attributed to the emancipation of the slaves and this, in turn, accounts partially for the decreases in the value of real estate and in the acres of improved lands, in that there was an insufficient amount of labor in 1870. The increases in the number of industrial establishments and in the products of industry indicate a slight change from agriculture to manufacturing on the part of certain people.

To complicate matters further, there was a considerable public debt in 1870:[1]

(INSERT HERE TABLE IX)

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1. United States Ninth Census, 1870, Vol. III, p. 49.

TABLE IX

PUBLIC DEBT, 1870

	For Which Bonds Had Been Issued	All Other Debt	Total
State	$29,900,045	$ None	$29,900,045
County	931,256	801,517	1,732,773
Town, City, Etc.	659,248	181,970	841,218
		Total-------	$32,474,036

The total public indebtedness of the State was approximately 39% of the assessed value of real estate,70% of the assessed value of personal property, 12.5% of the true value of both real estate and personal property,42% of the cash value of farms,170% of the value of products of industry,and 400% of the capital invested in industry. This indebtedness had to be paid,and money raised through taxation for this purpose could not of course be used for current expenses.

This economic situation naturally retarded the development of public education in the State. However, there were other obstacles. According to Dr.Sears,who was connected with the Peabody Education Fund about 1870, the establishment of public schools was somewhat of an experiment.[1] Since 1839,the State of North Carolina had appropriated forty dollars a year from the Literary Fund to each of the several district schools and the district itself had contributed twenty dollars a year and a building. According to Dr.Knight,there had been no efficient central supervision,and the several counties conducted the schools according to their own tastes.[2] In view of local contributions and local control,it was

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1. State Superintendent McIver's Report for 1871-74 ,pp.39-40

2. Knight,E.W.,Public School Education in N.C.,pp.148 ff.

quite natural that there should develop a feeling that the State had very little to do with education.

State control of education for every one was to many people a new feature,and this probably caused Dr.Sears to refer to the matter as being an experiment. It was this feature also which the people disliked; consequently,the decision of the Supreme Court in the case of Lane v.Stanly prohibiting local taxation produced even greater obstacles in the path of public education. In every county of the State there were probably several districts in which the people would be willing to tax themselves to maintain a free school for several months in the year but,in the opinion of State Superintendent Alex McIver,the people would not accept readily the principle of State-controlled education for every one.[1] According to McIver,the idea of the State's going into every district and establishing a school for the people was contrary to public sentiment. It was argued that self-reliance,the very foundation of republican government,could be cultivated and developed only in schools maintained by the district. To accept State assistance made the district dependent,and "dependence upon another

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1. State Superintendent McIver's Report for 1871-74,pp.20 ff.

begets a servile spirit. Servility always looks to another for assistance;the manly spirit looks to itself. The habit of being helped is an enemy to republicanism; for the very essence of republicanism is self-reliance."[1] The people did not want a system of public education "patterned after those military despotic systems in some of the States of Continental Europe." They wanted "a system which would breed freemen."

Another ground of opposition to public education was that many parents who were solicitous and careful about the moral training of their children were unwilling to have their children come in contact with children whose moral training had been neglected. This objection arose from the fact that many schools,especially those maintained by the churches,had always stressed moral training.[2]

Many people in the State thought public schools might be all right in densely populated sections, but that they were not suited for thinly inhabited districts.[3] Another group of people looked upon public schools as

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1. State Superintendent McIver's Report for 1871-74,p.21

2. Ibid,p.25

3. Ibid,p.40

objects of charity,and what support they gave was simply on the ground of charity. As charity institutions they regarded them as proper schools for the poor,but not for the rich. They placed upon the schools a badge of inferiority and therefore failed to patronize them or provide in any liberal way for their support.[1]

Probably the chief handicap to the progress of public education in North Carolina before 1875 may be attributed to the fear of mixed schools. The school law provided for separate schools for the two races,but the constitution did not make this distinction. Some of the more radical elements of the Republican party were seeking to establish mixed schools and the conservatives, who were also the chief taxpayers,were afraid. About this time Congress was debating the Civil Rights Bill which would have given equal rights to blacks in hotels, schools,churches,etc.,and,naturally,the conservative whites were confirmed in their belief that there might be mixed schools in case there should be ample support of schools.[2]

Public education for negroes was distasteful

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1. State Supt.S.M.Finger's Report 1889-90,p.lvi

2. Knight,E.W.,Public School Education in N.C.,pp.253-254

to the whites of North Carolina. Many of the Northern organizations which came into the State for the purpose of educating the Negro did not understand the situation and,as a result,taught many things to the Negro which tended to widen the gulf between the blacks and those whites who in later years could have helped the Negro. There was quite a bit of opposition to the education of the Negro because he paid such a small proportion of the taxes for the support of the schools. No consideration was given to the fact that the majority of the negroes had been free for such a short time as to prevent them from accumulating anything to levy a tax upon. The idea prevailed also that the education of a negro spoiled him as a laborer. Behind all of this opposition was a prejudice against the blacks which was more or less natural. Had not the Negro been classified as a mere chattel less than fifteen years before? Had not the law itself classified him as such? Could the whites forget easily that the emancipation of the negro netted them a shrinkage of personal property values of three-fourths the 1860 total? Of course the whites had never felt any responsibility for the negro's social development.

Unsettled political conditions placed

additional obstacles in the pathway of educational progress. From 1868 to 1870, the State government was under the control of the Republicans. The legislature contained thirty "carpet-baggers" and more than twenty negroes. Most of the negroes and a large number of the whites were illiterate and almost totally inexperienced. Under the influence of the "carpet-baggers" this legislature found itself unable to frame a progressive program, but it did stir up additional strife and increase the indebtedness of the State. Law and order gave way to rule of expediency and in too many instances life, liberty, and property were endangered.[1]

In 1870 the "Conservatives" came into power. The legislature was composed of former members of both political parties, and a majority of the members were young men. Whatever desire for progressive legislation they might have possessed was beclouded by a passion for restoring sound government with its accompanying benefits to life, liberty, and property. Social responsibility in so far as it might be expressed through the establishment of a system of public education was a minor consideration to these men. Furthermore, they naturally associated the

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1. Hamilton, J.G.deR., History of N.C., Vol.III, pp.118 ff.

agitation for education with the social theories of the "Carpet-Bag" regime. From 1870 to 1875,the legislature was disinterested in public education because of the fear of mixed schools;likewise,it made its legislation in regard to education harmonize with public sentiment, which was largely indifferent.

Thus it will be observed that the economic wealth of the State in the period immediately after the close of the Civil War was not sufficient to warrant the expenditures of large sums of money for anything which could be dispensed with temporarily. The needs for restoring material means of production and for paying absolutely necessary expenses of government along with the interest on the bonded indebtedness were more pressing than educational needs. Furthermore,the principle of State-controlled education for every one was neither accepted nor applied to a great extent because of the semi-novelty of the idea,the presence of the negro,and the spirit of aristocracy which was not readily conducive to the equalization of opportunities among all classes of society. Unpopular administration of governmental affairs added another obstacle in the path of educational progress because of the consequent feeling of uncertainty.

4. Need of Local Supplementary Taxation for Public Schools

In the preceding paragraphs it has been shown that during the period 1868-1875 the constitutional and legislative provisions for establishing a system of public education in North Carolina proved inadequate. Some progress was made in the attempt,to be sure,but it was neither satisfactory nor state-wide in scope. Economic, social,and political conditions were not favorable to the institution of a general and uniform system of schools.

In 1875,when the State had been "redeemed" by the "Conservatives," there were two avenues through which a system of public education could be established. One was direct;the other,indirect. The General Assembly could assume and fulfill its constitutional responsibility for maintaining a general and uniform system of public schools through exercising its power of taxation directly, or it could fulfill its constitutional obligation ultimately by parceling out its responsibility from time to time to those districts which were socially and economically inclined to relieve the State of a part of its responsibility. The first method had been half-heartedly tried under exceptionally adverse circumstances.

Conditions had improved by 1875;and although there were certain social and economic obstacles in the pathway,the legislature commanded public respect to the extent that it could make great educational strides if it willed to do so. The indirect method of establishing a general and uniform system of public schools by permitting local districts to lead the way one by one was the more roundabout way and might consume a longer period of time in which to fulfill the task. This method had not been used on any large scale,especially since the Lane v.Stanly decision prevented certain local taxation,but it has been seen that there was sentiment in favor of this idea of supporting schools. Social and economic conditions favored this idea,it is true,but its employment would not produce uniformity for a long,long time. Of course the decision in Lane v.Stanly required a popular vote in each school district before a special tax for schools could be levied.

The Constitutional Convention of 1875 made provisions for separate schools and this action removed one of the greatest obstacles in the path of educational development. Another constitutional change of great importance was that which gave the legislature control

of county government. The county commissioners were elected by justices of peace who were appointed by the General Assembly,and although this arrangement caused "great injury to the principle of self-government,it carried light and hope into the darkness of the black counties."[1]

This provision for separate schools, combined with the stabilization of the political situation, brought improvements into the public school system,but the legislature did not take advantage of the opportunity to aid education. In fact,a reaction ensued. This was caused partially by the reaction against the extravagance of Reconstruction,but a large part of the reaction was due to popular indifference to education and to the unfavorable economic conditions suggested in preceding paragraphs. The members of the legislature were interested primarily in the preservation of property,and they could see little justice in allowing non-property holders to vote a tax upon their neighbors who held property; consequently,they did not propose to employ the power of taxation too freely for the purpose of educating the children of the landless at the expense of property holders. These men were determined to stay in office

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,pp.188-189

and maintain cheap government. As a result of the evils of the Reconstruction regime,they were determined to remain in office through the employment of force,if necessary,rather than through the liberal rendition of service such as might be rendered in the establishment of a good system of public schools.[1]

On account of the county government act, the key to educational progress in the counties,as well as in the State as a whole,rested to a great extent in the hands of the legislature. Schools,according to the Supreme Court decision in the case of Lane v.Stanly, were not a necessary local expense;consequently,the cause of public education was at the mercy of this conservative Assembly which was more interested in other matters. Since the legislature would not fulfill its constitutional obligation to establish and maintain a general and uniform system of public schools for the required term,there was only one avenue of hope immediately available and that was for the districts to resort to special legislation and the creation of school districts independent of the county system.

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1. Ibid,p.164

CHAPTER III

BEGINNINGS OF SPECIAL LOCAL TAXATION IN THE GENERAL EDUCATIONAL INERTIA, 1875-1885

Evidently dissatisfied with the State's attempt to provide them with satisfactory public schools, the people of Greensboro petitioned the General Assembly of 1875 for authority to levy a local tax to supplement their general school fund. The legislature granted the request in a very liberal manner,[1] probably with the hope on the part of progressive legislators that other communities might follow in the steps of Greensboro. This was the beginning of special legislation which was to disrupt the hope of having a general and uniform system of public schools throughout the State in the immediate future, but which was to produce ultimately that educational success which, on account of state-wide social, political, and economic conditions at the time might not have been achieved so satisfactorily in any other manner for the local communities concerned.

Fully cognizant of the plight into which the cause of public education had drifted, the Central North Carolina Teachers' Association memorialized the

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1. Chapter 13, Private Laws of N.C., 1874-1875

General Assembly of 1877 to enact a law giving authority to townships of a certain population to levy taxes for the support of public schools,subject to the will of the majority of the qualified voters. This proposal was recommended highly by Governor Vance. The conservative Assembly,although it had the interests of property owners at heart,was not so strongly opposed to localized taxation, when "properly" safeguarded;consequently,it enacted the legislation proposed.[1] The statute authorized townships having within their limits cities of five thousand inhabitants to levy taxes for the support of graded schools. The question was to be submitted to the qualified voters,but in no case should the taxes to be levied and collected exceed one-tenth of one per cent on the value of property,and thirty cents on the poll. For some reason,this act was not to apply to the townships in which were situated the cities of New Bern,Wilmington, Goldsboro,and Charlotte. (This act was amended by Chapter 312 of the Public Laws of 1879 so that a property tax of twelve and one-half cents and a poll tax of thirty cents could be levied. Chapter 157 of the Public Laws of 1379 allowed Goldsboro to come under the provision.)

1. Chapter 285,Public Laws of N.C.,1876-1877

> "This act marked a very definite tendency on the part of the State away from the entire dependence for school support on the income from a permanent public endowment combined with small local and capitation taxes. Under this law public education was enabled to expand,and local support was revived and extended on a more uniform basis."[1]

The General Assembly of 1879 authorized the city of Asheville to levy taxes for the support of graded schools,provided the question was approved by the qualified voters and provided the tax did not exceed one-tenth of one per cent on the value of property,and thirty cents on the poll.[2]

In 1880 the General Assembly,in special session,authorized the establishment of graded schools in the town of Salisbury and in the township of Goldsboro.[3]

The question was to be submitted to the voters of the town of Salisbury,and the tax for the first year was limited to one-fourth of one per cent on the value of property,and seventy-five cents on the poll. For each succeeding year the tax was not to exceed one-fifth of one per cent on the value of property,and sixty cents on the poll. Furthermore,the taxes levied for all purposes by the town in any one year were not to exceed one-half

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1. State School Facts,Vol.VI,No.2
2. Chapter 164,Public Laws of N.C.,1879
3. Chapter 27,Public Laws of N.C.,1880,Special Session

of one per cent on the value of property and one dollar and fifty cents on the poll. The taxes collected from white persons were to be used for maintaining schools for white persons,and taxes collected from colored persons were to be used for maintaining schools for colored persons.

The question was to be submitted to the voters of Goldsboro Township,and the taxes which might be levied were not to exceed one-fifth of one per cent on the value of property and sixty cents on the poll. Taxes collected from each race were to be used exclusively by that race.

It will be observed that the General Assembly respected the rights of property,a thing in which it was vitally interested,in that it never failed to place a limitation upon the right of taxation granted in these special authorizations. Furthermore,it will be noticed quite readily that the legislature continued to discriminate against the negro,in that it prescribed that the proceeds of the special taxation should be divided on the basis of the amount of special tax paid by each race.[1] The majority of the blacks had been free to accumulate wealth for themselves less than fifteen

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1. This discrimination resulted in the invalidation of many of these early local attempts to provide better schools.(See pp.51-52,this study,and citations on p.52.)

years;therefore,it is altogether probable that they paid very little special tax,certainly an insufficient amount to support their schools satisfactorily.

Economic conditions were improving very satisfactorily in 1880 and,of course,this improvement was reflected in the development of public schools. The following table shows the economic progress in the decade between 1870 and 1880:

(INSERT HERE TABLE X)

TABLE X

ECONOMIC RESOURCES IN NORTH CAROLINA,1870-1880

	1 1870	2 1880
Assessed Value All Property	$130,378,622	$156,100,209
Value All Farm Property	83,429,729	135,793,602
Value Land and Buildings	62,568,866	135,793,602
Value Implements & Machinery	4,082,111	6,078,476
Value Live Stock	17,595,174	22,414,659
Value All Crops	57,845,940*	51,720,611
Capital in Industry	8,140,473	13,045,639
Salaries & Wages in Industry	2,195,711	2,740,768
Value Industrial Products	19,021,327	20,095,037
Bank Resources,Capital,Deposits-Not Available		15,401,057

* The value of all farm crops for 1870 is estimated;furthermore,it includes betterments and additions to stocks. Therefore,it is altogether probable that the value of farm crops in 1880 was greater than that of 1870. The increase of more than fifty million dollars in the value of farm property would certainly indicate that the products were increasing in value.

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1. United States Ninth Census,1870 ,Vol.III,pp.86,214,554.

2. " " Tenth " ,1880 ,Vol.III,pp.103,128;Vol.III, p.160.

The statistics below indicate the progress in public education during the decade,1870-1880:

(INSERT HERE TABLES XI,XII,XIII)

TABLE XI

PUBLIC SCHOOL EXPENDITURES,1870-1880[1]

Year	Total Rural Expenditures	Total City Expenditures	Total School Expenditures
1870	$ 42,856.66	----------	$ 42,856.66
1875	297,594.85	----------	297,594.85
1880	381,275.49	$14,762.00	396,037.49

TABLE XII

RURAL AND CITY SCHOOL POPULATION & ENROLLMENT,1870-1880[2]

Year	White School Population	Colored School Population	White Enrollment	Colored Enroll.	Total Enroll.	Percentage of Pop'l'n Enroll.
1870	243,463	141,155	27,942	13,970	41,912	.11
1875	271,073	172,485	94,602	54,565	149,167	.34
1880	298,687	203,320	161,262	95,160	256,422	.51

TABLE XIII

LENGTH OF SCHOOL TERM IN DAYS,1870-1880[3]

Year	Av.Term White Ru. Schools	Av.Term White C. Schools	Av.Term In All Schools	Av.Term Col.Ru. Schools	Av.Term Col.Ci. Schools	Average Term In all Schools
1870	N.A.[4]	N.A.	N.A.	N.A.	N.A.	N.A.
1880	48	170	50	48	160	49

1. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.1870-1906,p.6
2. Ibid,p.10
3. Ibid,p.16
4. Not Available

In the period 1875-1880, the total enrollment of pupils increased 70 per cent, while the increase in expenditures for all purposes was only 33 per cent. In 1880, the average expenditure per pupil for all purposes was less than $1.55, while in the same year the average length of term was far below the required constitutional term of eighty days.

In July, 1880, the State Teachers' Association memorialized the General Assembly to increase the school tax for the entire State to an amount sufficient to maintain a school for four months each year in every district in the State and to give local districts the authority to raise additional taxes for school purposes. As previously stated, this authority had been given to several towns. The State Superintendent of Public Instruction made similar recommendations. And, in addition, "public opinion condemned the obvious defects of the State's educational system and such demand as there was for improvement found expression in Governor Jarvis, ever the sincere and earnest friend of education, who urged the raising and expending of more money."[1]

In 1881, the General Assembly increased the tax for the support of schools from eight and one-third

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1. Hamilton, J.G.deR., History of N.C., Vol.III, p.363

cents on the one hundred dollars of valuation of property to twelve and one-half cents,and from twenty-five cents to thirty-seven and one-half cents on each poll.[1] This tax,like the one replaced,was in addition to the taxes levied in the revenue act.

> "Should the taxes levied in this act for the support of public schools be insufficient to maintain one or more schools in each district for the period of four months,then the county commissioners may levy annually a special tax to supply the deficiency:Provided,That the constitutional equation of taxation is observed."[2]

> "Now,for the first time since 1871,our school statutes did not contain a plain provision for the nullification on the part of the county commissioners of their solemn duty to maintain public schools for the minimum term of at least four months."[3]

To a certain extent,possibly,this restoration of duty upon the county commissioners was caused by the fact that there would not be mixed schools and by the further fact that there was less danger that the landless negroes would endanger the rights of property through the exercise of their right to vote. Furthermore, as previously pointed out,there was a growing sentiment in favor of education,prompted by better economic conditions.

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1. Chapter 200,Section 61,Public Laws of N.C.,1881
2. " " " 62, " " " " " "
3. Coon,C.L.,School Support and Our N.C.Courts,p.12

The legislature of 1881 also authorized the town of Durham to establish a graded school. The question was to be submitted to the voters,and the tax was not to exceed one-fifth of one per cent on the value of property and seventy-five cents on the poll.[1] Taxes collected from each race were to be used exclusively by that race.[2]

The General Assembly of 1883 did not change the State tax for the support of public schools, but it did enact a statute of more than passing importance, the title of which was:"An Act To Provide For Local Assessments In Aid Of Public Schools."[3] A petition by ten qualified voters of any school district was to be made to the county commissioners for an election to ascertain whether a special tax of not more than twenty-five cents on the one hundred dollars of valuation of property and seventy-five cents on the poll should be levied for the support of public schools. The taxes from each race were to be used exclusively by that race.

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1. This is a violation of the equation of taxation and is probably an error;however,two editions of Public Laws verify the statement.

2. Chapter 231,Public Laws of N.C.,1881

3. Chapter 148,Public Laws of N.C.,1883

It will be noticed that the limit of taxation in this statute is slightly higher than in any preceding legislation. Considering the purchasing power of money at that time it would seem that this authorization was sufficient to guarantee a very satisfactory system of schools for four months in each year. But such was not the case. "The assessment of property was controlled by the county authorities and not by the State authorities. As a result,the valuations in certain counties were kept so low that a tax within the constitutional limits frequently failed to provide funds sufficient to carry out the constitutional mandate to keep the schools open at least four months in every year."[1]

The legislature of 1883 authorized the establishment of graded schools in the following places: Statesville,New Bern,Fayetteville,Monroe,Wilson,Edenton, Guilford County,Tarboro,Lenoir,Shoe Heel (Maxton), Lumberton,Washington,and Magnolia. The proceeds from the special taxes levied in these towns were to be divided on the race basis.

It will be remembered that one of the main effects of the decision rendered in the case of

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1. Morrison,F.W.,Equalization of the Financial Burden of Education Among Counties in N.C.,p.4

Lane v.Stanly was to make local progress in education subject to county progress. On account of sparseness of population and raucous individualism in practically all counties,as well as general poverty,it would be illogical to expect as rapid progress in the counties as a whole as in the more thickly populated districts with a larger proportion of wealth. Therefore,the towns and townships which were sufficiently rich and educationally inclined began to take advantage of the opportunity to provide satisfactory schools. Whenever a local district was established,the county was weakened to a certain extent and the cause of education outside of the local district suffered proportionately. There was a greater lack of uniformity than ever in the county as a whole; however,the rapid progress achieved by the schools in special-tax districts set up a standard to which adjacent territory aspired to attain. In that way,the benefits to the neighboring area sometimes offset the inequalities.

Acting under the authority granted in Chapter 148 of the Public Laws of 1883 which made provision for local assessments for school purposes, Gaston County endeavored to establish a system of schools.

The Supreme Court invalidated the attempt,however,by declaring that the statute was unconstitutional in that it discriminated against the colored children.[1] In a similar case originating in Durham,the Court held that there could be no division of the proceeds from special taxes on the basis of the amount of special tax paid by each race,and the special school charters of Durham,[2] Goldsboro,and other cities were thus invalidated.

These decisions by the Supreme Court resulted in the invalidation of many special tax districts. It is not beyond the realm of possibility that many of the whites were unwilling to provide equal educational facilities for the negroes,who could not provide for themselves on account of their general poverty,and in preference to maintaining schools of equal rank for the two races,the whites,in some instances, provided none. As previously mentioned,the land-holding whites were not keenly alive to a sense of any social responsibility to spend a portion of their wealth for the education of their former slaves.

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1. Puitt v.Commissioners,94 N.C.709

2. Riggsbee v.Town of Durham,94 N.C.800

Thus it is seen that during the period 1875-1885 educational progress in North Carolina was very slow. The State property tax of eight and one-third cents, levied until 1881,was insufficient,and the increase of the tax to twelve and one-half cents during the period 1881-1885 proved also inadequate. The total expenditures for schools increased from $297,594.85 in 1875 to $396,037.49 in 1880,an increase of 33 per cent;however, the total enrollment of pupils increased during the same period from 149,167 to 256,422,an increase of 72 per cent. The total expenditures in 1885 were $693,869.90,an increase of more than 100 per cent over those of 1880, while the increase in total enrollment was only 11 per cent. But even in 1885,the total expenditure per child per year was but slightly more than two dollars,and a great part of this increase was expended for buildings and supplies. The length of school term was extended but little.

About the only satisfactory educational progress made in 1875-1885 was by special charter districts which supplemented the regular school funds with proceeds from special taxes. Only Greensboro, Raleigh,Salisbury,Goldsboro,Wilmington,Charlotte,Durham

Rocky Mount,New Bern,and Wilson were enjoying markedly better schools in 1885.

Regardless of the unsatisfactory progress during the period,there was one sign of hope. The gradual increase in the enrollment in the schools indicated clearly that there was a growing demand for the benefits of education. This demand could not be ignored much longer.

CHAPTER IV

DEVELOPMENT OF SPECIAL LOCAL EDUCATION,1885-1900,IN THE MIDST OF THE PRELIMINARY RUMBLINGS OF EDUCATIONAL REVIVAL

In 1885,Governor Jarvis,"ever the friend of education," was succeeded by Scales,another advocate of better educational facilities. In behalf of the future of the commonwealth,both pleaded for greater educational opportunities for the youth of the State.[1]

The General Assembly of 1885,probably realizing the damaging effects of the Supreme Court decisions which forbade the discrimination against the colored race and which caused the subsequent decrease in local taxation for white schools,made considerable changes in the school law. The twelve and one-half cents property tax was retained,and section 2590 of the Code was amended to read as follows:

> "If the tax levied by the State for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months,then the board of commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months or more."[2]

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,pp.212-213

2. Chapter 174,section 23,Public Laws of N.C.,1885

> "It will be observed that the General Assembly of 1885 declared that in its opinion the minimum school term of at least four months must be maintained by the Commissioners by special county taxation, if necessary, without a favorable referendum to the people of the county; that the limitations on the tax rate imposed by section 1 of Article V of the Constitution did not operate to prevent the establishment of public schools in every district for the minimum term, at least; and that, in so far as that minimum term was concerned, section 7 of Article VII of the Constitution did not operate to compel a favorable referendum to the people of the special tax rate levied in support of that minimum term. And it is also very significant that the 1885 General Assembly by the use of the words 'for the period of four months or more' clearly implied that the Commissioners of no county were limited to a four months school term in levying special county taxes for schools."[1]

This statute was enacted with the probable recognition that the rate of taxation necessary to be levied to support a uniform system of schools for four months or more and to pay other expenses of the county would exceed the double of the State tax, thereby apparently violating section 6 of Article V of the constitution which reads as follows: "The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval

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1. Coon, C.L., School Support and Our N.C. Courts, pp.12-13

of the General Assembly. Was a tax for schools a tax for a special purpose,and was this statute satisfactory evidence of the special approval of the General Assembly?

Constitutionally,the statute which authorized the commissioners to exceed the general constitutional limitation of taxation for the benefit of schools was sound,[1] but from practical political and economic points of view it could not be considered so favorably. The land-holding conservatives did not look with favor upon any plan which would allow a mere majority the privilege of greatly increasing taxes on property. The idea of social responsibility had not yet advanced to that stage;furthermore,economic conditions,although showing improvement,probably did not justify such a policy. It was quite natural that this legislation would be contested,as was done in the celebrated Sampson County case----Barksdale v. Commissioners.[2] The commissioners of Sampson County in July 1885 found that in order to maintain the public schools of the county for four months it would be necessary to levy a tax of eighty-eight and one-third cents on the one hundred dollars of

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1. So held in Collie v. Commissioners of Franklin County, 145 N.C.170.

2. Barksdale v. Commissioners,93 N.C.444.

valuation of property and a tax of two dollars and sixty-five cents on the poll. (The commissioners were levying a special tax of small amount in excess of the State and county taxes, under section 6 of Article V[1] of the constitution). The commissioners accordingly levied this additional tax for school purposes. S.Barksdale for himself and other taxpayers of the county, entered suit to prevent the collection of this tax on the ground that it violated section 1 of Article V[2] of the constitution. Judge McKoy of the Sampson Superior Court sustained the contentions of Barksdale and enjoined the collection of the special county school tax proposed. Whereupon, the defendant commissioners appealed to the Supreme Court, where the decision of the lower court was affirmed. The Chief Justice, W.N.H.Smith, wrote the opinion of the Court which held in summary:[3]

> 1. While it is the duty of the county commissioners under Article IX, section 3, of the constitution, to levy a tax sufficient to keep the common schools open for four months in each year, yet in discharging this duty they cannot disregard the limitation imposed as to the amount to be levied by Article V, section 1.
>
> 2. The act of the legislature of 1885, Chapter 174, section 23, which allows the commissioners to exceed this limit is therefore unconstitutional.
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> 3. This act does not come within the provisions of Article V, section 6, which authorizes a "special tax" for a "special purpose," with the approval of the legislature.

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1. Article V, sec.6: "The taxes levied by the commissioners of the several counties for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and then with the special approval of the General Assembly."
2. See pp.4-5.
3. Barksdale v, Commissioners, 93 N.C.444

> 4. When the constitution imposes a duty and provides means for its execution which prove to be inadequate,all that can be required of the officer charged with the duty is to exhaust the means thus provided.

Chief Justice Smith went on to say:

> "It is an incontrovertible proposition, that when in the same instrument,a restricted authority is conferred,and an act to be done under it,to which the authority is inadequate,it is only necessary to do what can be done within the prescribed limits."

In this conflict between constitutional mandate in one Article and restricted authority imposed by another Article of the constitution,the Supreme Court gave aid to the forces of restricted authority, thereby taking away from the General Assembly the authority to do what under the mandate of the constitution in Article IX it was enjoined to do;namely,to maintain a four months term in every county in the State. The Court evidently interpreted the constitution part by part;whereas it would have been proper had the constitution been treated as a whole.[1]

The only encouraging feature of this case for the cause of education was Judge A.S.Merrimon's dissenting opinion,which twenty-two years later became in large part the majority opinion of the Court.[1] Judge Merrimon said in part:

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1. Collie v.Commissioners,145 N.C.170,at p.173.

> ".....the power of the legislature to levy taxes adequate for the support of the public schools for four months in every year is unaffected by the limitation upon the general power of taxation. It may,if need be,go beyond it,and to such extent as may be necessary. If this is not true, then,as this case makes plain,the Constitution,in one of its leading and most important purposes,is partially,and may become altogether,inoperative."

As a result of the decision in the Barksdale case which declared that public schools were not a necessary county expense,[1] greater inequalities were bound to come into the public school system. The county commissioners could levy an additional tax to keep the schools open for four months only in those counties where such tax would not increase the total State and county tax beyond the implied constitutional limit of sixty-six and two-third cents on the one hundred dollars of valuation of property. In those counties where property was assessed at such a low valuation as to make it impossible to raise a sufficient amount of money to maintain a four months term without exceeding the constitutional limit of taxation,and in those counties where

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1. It will be observed that the decision in Lane v.Stanly had prevented the levying of a township tax for schools except after popular vote and special approval of the legislature. The Barksdale case went further and applied the same rule to counties as a whole,in spite of the constitutional mandate upon the county commissioners to provide a four months school term,the constitutional mandate being interpreted to apply only to those counties where four months schooling could be provided without exceeding a tax rate of sixty-six and two-thirds cents. The Barksdale case was specifically overruled by the Collie case,but the decision in Lane v.Stanly still holds.

the so-called necessary expenses demanded the levying of a high rate of tax,the opportunities for obtaining a satisfactory system of public schools were very discouraging. In short,the majority of the counties were compelled to continue with schools conducted for much less than four months in every year. Even as late as 1890 the average term of all rural schools,both white and colored,was 57 days;whereas the average term of city white and colored schools was 170 days and 160 days, respectively.[1] This wide variation in the length of school term between the rural and city districts was due very largely to the fact that only the city districts levied a special tax for schools.

On account of the economic depression among agricultural sections of the East and because of the ultra-conservative ideas of many of its members,the General Assembly of 1887 continued the insufficient property tax of twelve and one-half cents for the support of public schools. The total enrollment in the schools was increasing more rapidly than the support for schools; therefore,more towns requested the authority to levy special taxes.

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1. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.1870-1906,p.16

The legislature authorized the establishment of the Reidsville School District Public School and permitted that town to levy a special tax of not less than ten cents nor more than twenty cents on the one hundred dollars of valuation of property,and not less than thirty cents nor more than sixty cents on the poll. As usual,the question was to be submitted to the voters.[1] The same Assembly authorized the town of Durham to levy a special tax for schools provided the voters approved. The special taxes were to be not less than sixteen and two-thirds cents nor more than twenty cents on the one hundred dollars of valuation of property,and not less than fifty cents nor more than sixty cents on the poll.[2] This statute expressly declared that the proceeds from the special tax were to be apportioned between the white and colored races without discrimination. This latter provision was made as a result of the Supreme Court's decision in the previously mentioned case of Riggsbee v.Town of Durham.

The General Assembly of 1889 authorized the establishment of public schools for the town of Littleton,[3] with a special tax supplemental thereto,and

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1. Chapter 424,Public Laws of North Carolina,1887
2. " 86, " " " " " " "
3. " 254, " " " " " 1889

authorized the levying and collection of an additional tax for the support of the graded schools of Raleigh Township.[1] The State tax of one-eighth of one per cent on property and thirty-seven and one-half cents on the poll for the aid of schools was continued. As usual, the State tax proved insufficient, in most instances, to maintain a uniform system of schools for four months.

The legislature of 1889 "abolished the absurdly numerous normal schools which had through division of funds and energy lost all significance, and in their place appointed Charles D. McIver and Edwin A. Alderman as State institute conductors to canvass the State, hold educational meetings, conduct institutes, and awaken public interest." According to Dr. J.G.deR. Hamilton,[2]

> "The two years which followed were probably in the long run the most fruitful ones in North Carolina educational history. These two superbly gifted men constituted themselves educational evangelists and conducted a state-wide revival which made converts by the thousand. Everywhere they preached the gospel of universal education by the State and aroused an interest and enthusiasm hitherto confined to politics alone and usually to national politics.....Their work

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1. Chapter 550, Public Laws of North Carolina, 1889
2. Hamilton, J.G.deR., History of N.C., Vol. III, p. 364

> furnished beyond doubt a real stimulation of the demand which was soon to rise for an improvement in public education.... The fundamental result was the preparation of the soil and the sowing of the seed from which Charles B.Aycock was to reap so rich a harvest."

The results of this educational campaign were reflected in the actions of the General Assembly of 1891,wherein the discontented farmers were better organized and more aggressive. The public school tax was increased from twelve and one-half cents to fifteen cents on the one hundred dollars of valuation of property and from thirty-seven and one-half cents to forty-five cents on the poll.[1] Likewise did the Assembly authorize the establishment of graded schools in Concord,[2] Shelby,[3] and Henderson,[4] with a special tax supplemental thereto. In the case of Henderson,the legislature authorized the levying of a special tax to an amount not exceeding fifty cents on the one hundred dollars of valuation of property. The best explanation of this very liberal allowance is that Henderson was determined to have a satisfactory system of public schools regardless of the cost. The same legislature reflected the increasing

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1. Chapter 517,Public Laws of North Carolina,1891
2. " 285, " " " " " "
3. " 403, " " " " " "
4. " 536, " " " " " "

educational interest by granting charters to a score or more private high schools,academies,and seminaries.

Without making any attempt whatsoever to belittle the wonderful contributions to the cause of education by McIver and Alderman,it would be unwise to fail to consider certain conditions which contributed to their success. It will be remembered that the "Conservatives" (Democrats),upon gaining control of the State in 1876,immediately proceeded to entrench themselves behind a policy of economy.[1] Such action was natural and to a degree desirable,in that it gave the poverty-stricken people time to regain their bearings. Another desirable work was that of solving the negro question for the time being. On account of the timidity of their leaders and a lack of social responsibility, the "Conservatives",however,were unable to strike a happy medium in their policies and,as a result,criticism began to be directed toward them. The glaring defects of the system of assessment and taxation,established justly or unjustly for the preservation of property, were being criticized severely by 1884. A commission was appointed by the legislature to investigate the

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.218

system,but nothing came of it. The railroads had become objects of political controversy and were accused of seeking to exert an undue influence upon the affairs of the State. The county government law of 1876,which gave justices of peace,elected by the legislature,the power to elect county commissioners,was bitterly unpopular with the Democrats,outside the agricultural East,as well as with the Republicans. It gave the Democrats complete control of local government,but the centralization of power crushed minorities in the dominant party as effectively as it prevented Republicans from holding office. The beginning of the farmer's movement,born of a protest against the handicaps working against the interests of the farmer,increased the political tension. The Democratic leaders were,however,unable to heed the warning of this general dissatisfaction with their policies.

In 1886 many independent Democrats were candidates for various offices,and the result was a closer election. The Democrats retained control of the Senate, but the House was in the hands of Republicans and independents. Nothing of importance was accomplished by this legislature for the simple reason that both parties were afraid or unable to frame a constructive program.

"The campaign of 1888 was the last under the old regime. Great changes were impending in leaders and issues. The farmer's movement was beginning to be felt, a new group of leaders in both parties were demanding a hearing for their views and plans and recognition for themselves and it was certain that they would not long be denied."[1]

Dr. Hamilton admirably summarizes the industrial development that paved the way for greater educational development:[2]

"The cotton mill and the tobacco factory, followed rapidly by other industrial plants of lesser importance, were revolutionizing industrial life. Agriculture, it is true, remained the central interest of the State, but it was largely unchanged in this period with the one exception that trucking was a developing factor of increasing importance which, apart from its high profits, served as a most enlightening influence in bringing in new methods and encouraging new experiments. Manufacturing, though, was bringing in capital, and giving remunerative employment to a rapidly increasing class, which from contact with new associates and new ideas, coupled with the possession of ready money, was gaining new standards of life and of living. In the same way, it was building up thriving towns, which were to prove a tremendous asset to the State, laying the foundations of a new and real prosperity, and transforming the life and thought of the people. It had its evils of course, not the least of which was a marked tendency, which manifested itself in some classes of the people, to a crass materialism, but the benefits far outweighed them. Along with industrial development the steady increase of railway mileage brought opportunity, economic and intellectual, nearer to many to whom it had been hitherto denied. Industrialism and the railroads were great educational factors in North Carolina."

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1. Hamilton, J.G.deR., History of N.C., Vol.III, p.216
2. Ibid, p.217

Dr.Hamilton also summarizes,in uncomplimentary terms,the political parties of the day:[1]

> "The day of the party (Democratic) was almost done. Crystallization had set in and there was little hope of its being able to carry the State forward under the exacting requirements of modern civilization unless it should be transformed and greatly socialized,and it was beyond the point where that could be done by quiet and natural growth and development. A rebirth was necessary and that could come only in labor and travail.
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> "On the other hand there was no hope in the Republican party which was as unsocialized and unprogressive as its opponent,with the additional handicap of having ignorant negroes compose more than half its voting membership."

He further comments on the unfortunate influence of the negro on State politics,the large number of white illiterates,and the outstanding need of education:[2]

> "Reconstruction past,the negro remained as a menace which lowered political morals,caused political stagnation,and along with these,blocked the progress of public education,and was a social evil of the greatest magnitude. It was not the fault of the negro and but for the curse of ignorance he would not have been such an obstacle of progress. But ignorance was present. In 1890 more than 23 per cent of the native white people of North Carolina over ten years of age were unable to read and write. Only New Mexico in the United States was worse off. Of its total population nearly 36 per cent were illiterate.....
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> "Education,then,was the primary requirement of the State for the future because from that

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.218
2. Ibid,pp.219-220

alone would grow the other things needed. A movement for it was inevitable for leavening influences of several sorts were at work which, combined, would finally begin the first and most difficult part, the education of the people to the need of education."

The economic progress made in the decade 1880-1890 indicated a basis for other progress:

(INSERT HERE TABLE XIV)

TABLE XIV

ECONOMIC RESOURCES IN NORTH CAROLINA,1880-1890

	1	2
	1880	1890
Assessed Value Farm Property--	$135,793,602	$217,427,500
Value Land and Buildings -----	135,793,602	183,977,010
Value Implements & Machinery -	6,078,476	7,183,210
Value Live Stock ----------	22,414,659	25,547,280
Value All Crops ----------	51,720,611	50,070,530
Capital in Industry ----------	13,045,639	32,745,995
Salaries & Wages in Industry -	2,740,768	7,830,536
Value Industrial Products ----	20,095,037	40,375,450

1. United States Tenth Census,1880,Vol.III,pp.103,123;Vol.II, p.160.
2. " " Eleventh " ,1890,Vol.I,p.221;Vol.II,p.34.

The difference between the appreciable increase in the value of farm property and the small decrease in the value of all crops may be attributed to the widespread economic depression in agriculture in the latter part of the decade, which was largely a national condition. Many members of the legislature were interested primarily in agriculture and, naturally, the economic depression influenced legislation. At the same time, the large number of Democratic legislators from the agricultural East ignored the needs of that ever-increasing number of persons in the West who were rapidly becoming interested in manufacturing, as Table XIV shows. Likewise did they ignore the dissatisfied elements of the East. It was very natural for these elements to demand a change in policies or in the personnel of the General Assembly.

The conservative attitude of the legislature was reflected in the progress of public education, as summarized in Tables XV, XVI, XVII, and XVIII.

(INSERT HERE TABLES XV, XVI, XVII, XVIII)

TABLE XV

PUBLIC SCHOOL EXPENDITURES,1880-1890[1]

Year	Total Rural Expenditures	Total City Expenditures	Total School Expenditures
1880	$381,275.49	$14,762.00	$396,037.49
1885	650,089.90	43,780.00	693,869.90
1889	526,859.17	64,380.00	591,239.17
1890	718,225.60	68,920.00	787,145.60

TABLE XVI

RURAL & CITY SCHOOL POPULATION AND ENROLLMENT,1880-1890[2]

Year	White School Pop'l'n	Colored School Pop'l'n	White Enrollment	Colored Enrollment	Total Enrollment	Percentage Enrolled
1880	298,687	203,820	161,262	95,160	256,422	.51
1885	345,152	219,865	185,052	106,090	291,142	.52
1890	391,623	235,911	208,844	117,017	325,861	.52

1. Coon,C.L.,A Statistical Record of the Progress of Public Education In N.C.1870-1906,p.16

2. Ibid,p.10

TABLE XVII

LENGTH OF SCHOOL TERM IN DAYS,1880-1890[1]

Year	Average Term White Rural Schools	Average Term White City Schools	Average In All White Schools	Average Term Colored Rural Schools	Average Term Colored City Schools	Average Term In All Colored Schools
1880	48	170	50	48	160	49
1890	57	170	67	57	160	65

TABLE XVIII

SCHOOL HOUSES AND VALUE,1880-1890[2]

Year	Value Rural White School Property	Value Rural Colored School Property	Value All Rural School Property	Value City White School Prop'y.	Value City Colored School Property	Value All City School Property
1880	$161,169	$ 66,235	$227,404	16,500	500	$ 17,000
(Number)	3325	1257	4425	3	1	4
1890	612,304	180,000	792,304	210,000	42,300	252,300
(Number	4057	1860	5917	12	10	22

1. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.1870-1906,p.16

2. Ibid,p.15

There was considerable educational progress in the decade 1880-1890 in so far as expenditures are concerned, but the results do not show that such expenditures served greatly to increase enrollment or school term. There was an increase of only one per cent in the number of pupils enrolled as compared with the school population, and the average length of term in the rural schools containing a very large majority of the total enrollment was still twenty-three days short of the required constitutional term. The fluctuation in rural school expenditures between 1885 and 1890 is a very clear indication of the extent to which economic conditions in the agricultural sections influenced legislation concerning schools. The rapid increase in the value of school property is very commendable, but this meant that an appreciable part of the school revenue was going into buildings instead of being expended for teaching, supervision, and administration. Of course, buildings were very necessary to the success of the schools. The expenditures of the city schools are interesting, but these figures do not express the true facts. Many of the cities, probably all, were supplied with funds from sources other than the

special tax proceeds. It will be noticed that the cities were maintaining good schools,especially in so far as length of term was concerned,and the standards set by the cities were likely to inspire adjoining territory to become more interested in education.

The progress made in education during the period 1880-1890 was not satisfactory in the opinion of State Superintendent S.M.Finger. In his report to the General Assembly of 1891,Mr.Finger said:[1]

> "..... I desire to say,with as much emphasis as possible,that our schools,except in a few of the cities,are not satisfactory to any class of our citizens. As everywhere,we have in North Carolina people who either want no public schools,or if any,only a sort of charity schools for the poor.....
>
> "We also have many people,and the number of such is rapidly increasing,who believe in liberal education for all the people for the people's benefit and for the safety of the State. To such people,many of whom are entirely dependent upon the public schools for the education of their children,the schools are unsatisfactory because of the small amount of money applied and the consequent shortness of annual terms and want of proper qualifications on the part of many teachers....."

Mr.Finger acknowledged that the schools were accomplishing not a little good but insisted that

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1. State Superintendent S.M.Finger's Report,1889-1890, p.ix

the legislature levy more taxes. He suggested also that certain people relent in their opposition to schools because of fear that the morals and religion of the children would be contaminated through association in public schools.[1] He also mentioned the prejudice against negro education:[2]

> "There is much opposition to public schools.....because of the small amount of the taxes paid by the negroes. The opposition is intensified by the belief, that is more or less prevalent, that education spoils the colored people as laborers, to their own damage and the damage of the white people. It is said that when you 'educate a negro you spoil a field hand.'
>
> "It is true that a smattering of education to many of them has caused idleness and laziness. If education is to be given them in any liberal sense by the State they must show a much higher appreciation of it..... Let them pay their taxes and show that education does not spoil them as laborers....."

There was ample time yet for the General Assembly to levy more tax for the support of schools and thereby prevent the separation of so many wealthy school districts from the county systems but, as stated already, the legislature of 1891 paid attention to the situation only to the extent of increasing the

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1. State Supt.S.M.Finger's Report,1889-1890,p.xx
2. Ibid,p.xl

State tax for schools from twelve and one-half cents to fifteen cents.

In 1892 another attempt was made to fulfill the constitutional requirement of a four months school term. The Farmer's Alliance, which was gradually drifting into a new political party, the Populist, had a plank in its platform of 1892 demanding encouragement to education. It is quite probable that this plank had something to do with the new attempt to obtain a four months term. At any rate, the dissatisfaction with the old leadership was expressing itself in various ways. An attempt was made to obtain reversal of the Barksdale case. A new case, Board of Education of Bladen County v. Board of County Commissioners of Bladen County,[1] very similar to the Barksdale case of 1885, was carried to the Supreme Court, which held:

> "Unless it be made to appear that there was palpable error or mistake, this Court will stand by former decisions."

In other words, the legal doctrine of stare decisis was set forth.

However, Judge Avera, whose dissenting

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1. 111 N.C. 578, at pp. 579-580.

opinion is quite similar to that of Judge Merrimon in the Barksdale case,pointed out the weakness of the ruling in the Bladen County case by giving a very reasonable interpretation of the doctrine of stare decisis:[1]

> "The doctrine of stare decisis can be invoked and insisted on only where,by acquiescence in a decision for a long time,it has become a rule of property,but inadvertent decisions,which can be corrected without disturbing titles,should be overruled at the earliest possible moment. Not a single title or vested right in the State depends upon our adherence to the desision in Barksdale's case."

So far as education was concerned,the majority of the Court relied upon the doctrine of stare decisis for twenty years regardless of an ever-increasing public sentiment which held otherwise.

The fifteen cents property tax for schools levied by the General Assembly of 1891 proved to be unsatisfactory,according to Superintendent S.M.Finger's report of educational progress for the years 1891-92:[2]

> "The average length of school terms in North Carolina provided by the general school tax is about thirteen weeks. I believe there is no district outside of the cities and towns that levies any special tax,and the only cities and

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1. 111 N.C.578,at p.591.
2. State Supt.S.M.Finger's Report,1891-92,pp.ix ff.

towns that have voted special taxes are Murphy, Asheville, Salisbury, Shelby, Statesville, Concord, Charlotte, Greensboro, Winston, Wilson, Reidsville, Durham, Raleigh, Goldsboro, and Tarboro. These places have excellent schools for both races in session from eight to ten months per annum, as have also Wilmington and Fayetteville without special tax levy. So it will be observed that a very large part of our towns and all the country districts are solely dependent upon the general school fund levied by the General Assembly, which is expended in the respective counties where collected.....

If the General Assembly will make a liberal law allowing the different townships to vote special taxes, the people in every part of the State will have the liberty to vote upon a liberal and sufficient increase of their school funds..... If they vote taxes for schools, the fact means better schools, and consequently more safety to property and person as well as to our republican form of government..... Under such a provision, the different communities and neighborhoods would stimulate each other to better efforts, and much good would result."

According to this statement, the people were ready to vote for better schools but the legislature continued to act as if ignorance were a proper safeguard to property, person, and republican form of government. It was almost certain, however, that a demand for progress could not go unheeded much longer.

The General Assembly of 1893 seemed ready enough to accept the court decision in the Bladen County case which prevented it from fulfilling the

constitutional requirement of a four months school term. The Assembly was strongly conservative,due to the withdrawal of the more radical element of the Farmer's Alliance,[1] and the chief thing it did for the schools was to increase the ad valorem tax from fifteen cents to sixteen cents on the one hundred dollars of valuation of property,and the poll tax from forty-five to forty-eight cents.[2] This was a small increase; nevertheless,it was of some benefit to those counties which were meeting with difficulty in supporting schools for the four months term and which were held in check by the Barksdale and Bladen County decisions.

The same Assembly authorized an increase in the amount of special taxation which could be levied for the support of schools in Charlotte,[3] and established graded schools in Lexington[4] and High Point,[5] and authorized the commissioners of Edgecombe county to submit to the people of Tarboro Township the question of levying a special tax upon themselves,

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.242
2. Chapter 294,Public Laws of N.C.,1893
3. " 525, " " " " " "
4. " 526, " " " " " "
5. " 528, " " " " " "

provided the special tax to be levied would not exceed twenty cents on the one hundred dollars of valuation of property.[1]

In 1892 the Farmer's Alliance was sufficiently strong in North Carolina to insure the election of E.S.Carr of Edgecombe county as governor. By 1894,the Alliance had fused with the Populists and later in that year the Populist party fused with the Republicans with the result that the listless and apathetic Democrats lost control of the State. In the Populist convention in July of that year,the party declared for a four months school term,and in view of the fusion later it would appear that there was a good opportunity to obtain their demands. However, "there was no real kinship between the Republicans and Populists-----few parties have ever differed more widely in principles-----and they were bound together solely by common dislike of the Democratic party and desire for victory."[2] Regardless of the immediate consequences,the fusionists were determined to enact one piece of legislation,namely,a law which would change the system of county government to the end that

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1. Chapter 212,Public Laws of N.C.,1893
2. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.246

the control of county affairs would be placed in the hands of the localities. Accordingly,"the county government bill,called 'an act to restore to the people of North Carolina local self-government', was carefully designed to give home rule. As a part of the same policy,the charters of a number of the larger towns,notably Wilmington,Raleigh,Greenville,Goldsboro, and Elizabeth City,were altered so as to change their government completely."[1]

But "home rule" applied to the Eastern counties with their large negro population meant a noticeable sprinkling of negro office-holders. They served as members of school boards,county commissioners,policemen,and in certain instances as mayors and health officers. Craven county had 13 negro school committeemen;Hertford,10;Montgomery,4; Richmond,23;Columbus,17;Chowan,8;Pasquotank,5; Perquimans,10;Jones,12;Hyde,8;and Beaufort,Caswell, and Edgecombe,one in every township.[2] In some places riots threatened the school systems. Special taxation for schools was checked by the serious political

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.249
2. Ibid,p.275

conditions and one town voted out a local tax.[1]

The legislature did not pass all of the school legislation which the Populists demanded. However,the ad valorem tax for schools was increased from sixteen to eighteen cents on the one hundred dollars of valuation of property.[2] A statute was enacted to aid public schools by local assessments.[3] This act provided that an election upon the question of assessment for public schools might be had upon petition of the qualified voters of the school district in which the election was to be held. The assessment was not to exceed twenty-five cents on the one hundred dollars worth of property,and it was expressly stated in the act that all children in said district were to be entitled to the benefits of the said act. Public "graded" schools were authorized to be established in Statesville,and "graded" schools were also authorized to be established in Warsaw,Hendersonville,Clinton, and Rutherfordton. As usual,the establishment of these schools implied the levying of a special tax.

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1. Knight,E.W.,Public School Education in N.C.,p.325
2. Chapter 116,Public Laws of N.C.,1895
3. " 44, " " " " " ,"

The same legislature amended a previous statute to read as follows:[1]

> "In every township,city or town not now levying a special tax for schools equal to or greater than the tax hereinafter authorized, the board of commissioners shall order an election ..... to ascertain the voice of the people whether there shall be levied,in each township, city,or town,not herein excepted,a special annual tax of twenty cents on property and sixty cents on poll,to supplement the public school fund for such township,city,or town."

This act was not to apply to fifty-nine counties.

This legislation was certainly a noble attempt to restore government to the people to the extent of giving them opportunity to vote on the question of local support for schools;however,it was weakened by the passage of laws which abolished the county superintendents and county boards of education. The county commissioners,ex-officio,were entrusted with the control of the schools. This legislation was probably a political attempt to remove superintendents and county boards too conservative to suit the new leaders.

About the time of the unsettled political and social situations in 1896,there was a

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1. Chapter 297,Public Laws of N.C.,1895

growing feeling among certain friends of education, especially among those who were actually devoting their services to the cause,that the State would hardly meet soon its obligation to maintain a satisfactory system of schools. Therefore,these advocates of better educational opportunities began to lay greater emphasis upon the question of local taxation. This subject permeated the proceedings of the North Carolina Teacher's Assembly,which met in Asheville in 1896. "The Necessity for Local Taxation for Public Schools" was discussed by George W.Connor, Superintendent of Wilson Graded Schools,and Josephus Daniels,editor of the News & Observer,L.L. Hobbs,president of Guilford College,and S.M.Finger, ex-State Superintendent of Public Instruction,nade addresses on the "Means of Securing Local Taxation for Public Schools."[1]

State Superintendent John C.Scarborough was of similar mind in regard to local taxation,and in his report for the scholastic years 1894-1896 he

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1. State Supt.John C.Scarborough's Report,1894-96,p.93

pleaded for this means of supporting public schools:[1]

> "..... Then a system of local taxes for schools must be made effective if we would lead our people to more interest in the education of the children for the children."

He recommended that the laws should be so amended that the election for local school taxes should be held in "off" years:

> "This will free the election for local school taxes from the excitement of political campaigns, and the people will be in better condition to consider the question calmly and to vote their best judgment on the real merits of the question of local school tax." Local taxation "will bring the public schools home to the people in their local ideas and preferences. Each town and township voting the special tax will have better schools than those adjoining. This will lead to inquiry as to why this is so. Every citizen having the benefits of the better schools will have the answer ready. Thus we will have here and there centres of influence giving light and information on the best way to have good schools, and the schools will be there to give the best of all evidence on the subject,---the work done..... They go home, saying 'we will go and do likewise.....
>
> "A proper spirit of rivalry will also spring up between schools, each school striving to surpass its neighbor in character of work done, number enrolled, average attendance and methods of progress. The enemies of public schools will continuously decrease in numbers, and first-class public schools will take the place of inefficient public and private schools."

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1. State Supt. John C. Scarborough's Report, 1894-96, pp. 2 ff.

It is interesting to notice that Messrs.Connor and Daniels,later strong leaders of the Democrats,were joining official school men like Superintendents Finger and Scarborough and President Hobbs in agitating increased local support for schools at the same time the Republicans and Populists were struggling for increased school support. Connor and Daniels represented the younger element in the Democratic party that assumed control after the fusion of Populists and Republicans had had its day. In other words,from 1894 on the advocates of increased popular support for education,State and local,were in control. Fusionists and younger Democrats agreed in seeking increased support of education,although their bitterness over other issues prevented effective cooperation in educational matters.

When in 1897 the entire State government passed into the hands of the fusionists, greater changes began in the school system. For the purpose of stimulating local taxation in the rural districts,the Assembly enacted a statute which reads as follows:[1]

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1. Chapter 127,Public Laws of N.C.,1897

"That the State Board of Education be, and is hereby authorized to use the State funds that have accumulated and may accumulate each year hereafter,as income on the sale of swamp lands,public lands,interest on bonds,and all other sources of revenue of said board,as hereinafter provided for;Provided,That said income shall not exceed $20,000.

"That the State Board of Education shall have the power to give for three successive years in sums of $50 and $75 and $100 of this money to any rural district of this State that may vote to tax themselves to raise an equal amount to that received from the State for three successive years:Provided,That in case more districts vote to tax themselves than the State Board shall have funds to supply,the district first to tax itself shall receive aid first,and each successive district shall come in for aid in order of time as to its election of taxation until the funds of the State Board of Education are exhausted: Provided,That the State Board of Education shall distribute its funds without discrimination in favor of,or to the prejudice of,any district in the State."

After raising the rate of school tax from eighteen to twenty cents,the legislature enacted[1] the following statute designed to encourage local taxation for public schools:[2]

"Whereas,This General Assembly has by raising the rate of school tax from eighteen to twenty cents already provided an increase of $50,000 to the common school fund of the State, the General Assembly of North Carolina do enact:

1. That the sum of $50,000,or so much thereof as may be necessary,is annually appropriated to the public schools as hereinafter provided.

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1. Chapter 168,Public Laws of N.C.,1897
2. " 421, " " " " " "

2. That the county board of commissioners shall cause an election to be held in every school district of their respective counties upon the question of levying a special district tax for the public schools of said district.

3. The special tax shall be at least ten cents on property and thirty cents on the poll, and shall not be repealed within three years of the date of first levying it.

4. To every district that may levy a special school tax under the provisions of this act the State Board of Education shall give annually for three years a sum of money equal to the special tax collected each year,until the appropriation of $50,000 for each year is exhausted:Provided, That no district shall receive from the State Board of Education more than $500 a year.....

5. None of the provisions of this act shall apply to any township,city,or school district, that now levies a special school tax of as much as ten cents on every one hundred dollars worth of property and thirty cents on every poll."

Under this act eleven townships raised $2260.07 which was duplicated by the State. Sixty-three communities raised $8596.63 by voluntary subscriptions,and this amount was also duplicated with State funds.[1] This small amount was very helpful;however, the law proved unsatisfactory mainly because of the inopportune time in which it was enacted. The negro issue in politics seemed to obscure everything else.

Accordingly,when the Democrats carried the State in 1898 they decided upon the disfranchisement

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1. Knight,E.W.,Public School Education in N.C.,p.325

of the negro. The legislature of 1899 also repealed[1] the fusion school law and reduced the tax rate on property from twenty cents to eighteen cents.[2] This reduction was caused by the abandonment of the $50,000 fund which the legislature of 1897 had appropriated for the purpose of matching funds voted by the districts. The legislature was disappointed in the amount of taxes voted by the districts;moreover,such a method of distributing funds was open to attack in that the districts most likely to take advantage of the State's offer would be those most able to help themselves. This action was not necessarily an attempt to curtail the progress of education,because the Assembly immediately made equal provisions for schools by the appropriation of $100,000 to be apportioned among the counties on the basis of school population.[1] This sum would be practically equal to the amount that the extra two cents property tax would have raised,and the 1899 legislature did encourage the voting of special taxes by towns and cities,as follows:[3]

> "In every incorporated city or town of not less than one thousand inhabitants in which there is not now levied a special tax for schools,

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1. Chapter 637,Public Laws of N.C.,1899
2. " 11, " " " " " "
3. " 732, " " " " " "

> upon a petition signed by one-third of the free-holders therein, the board of aldermen or town commissioners of said city or town, shall ..... order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special tax of not more than thirty cents on the one hundred dollars of valuation of property and not more than ninety cents on the poll, to supplement the public school fund in such city or town."

Realizing that the townships were unable also to have public schools for a period of four months each year, the legislature authorized townships to levy a special tax in the same manner as mentioned above.[1]

This provision is of more importance than would appear upon its very surface. While the legislature would not allow all of the property to be taxed for the support of schools, (due, perhaps, to the fact that the value of property was not uniform throughout the State), it did help to remove the barrier against localized taxation which it and the courts had maintained so long and faithfully. The Fusion policy of encouraging local taxation for schools was too obviously popular to be scrapped along with other Fusion policies. At last, a political party with the potential ability to establish a satisfactory system

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1. Chapter 732, Section 77, Public Laws of N.C., 1899

of public education had shown the willingness to eliminate illiteracy. The leadership of the young Democracy belonged to a new generation,a generation that could see the problem of public education as well as a generation not paralyzed by the depressing poverty entailed by the Civil War.

The General Assembly of 1899 authorized the board of aldermen of the Town of Durham to issue school bonds,"said money to be expended in the purchase of lands in the town of Durham and the erection thereon of suitable buildings,and in furnishing the same with necessary equipment and furniture for the accommodation of the public schools of the town of Durham," provided the question should be submitted to the voters. If the question were to be voted upon favorably,tne board of aldermen were authorized to levy a special tax with which to pay the interest on the bonds and with which to create a sinking fund.[1] This statute,while not different in principle from provisions contained in school charters, is interesting because it is a specific acknowledgment by the General Assembly that suitable buildings and equipment are essential to the efficiency and success of the public schools,a point that was later sustained by the Supreme Court.[2]

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1. Chapter 124,Public Laws of N.C.,1899.
2. Board of Education of Alamance Co.v.Board of Commissioners of Alamance County:-178 N.C.305.
   B.R.Lacy,Treasurer,v.The Fidelity Bank of Durham:183 N.C.373

The same legislature authorized the establishment of graded schools in Morganton,Mt.Airy, Albemarle,Dobson,Clinton,Maxton,Waynesville,Pilot Mountain,Mt.Olive,and Lincolnton. A special tax was to be levied in each district upon the favorable vote of the majority of the qualified voters.

These requests from widely separated towns for authorization to establish schools through the benefits of special taxation were indication that educational interest was awakening. The desire for better schools which had been pent up on account of extreme poverty and deplorable political conditions was being expressed. The displacement of the old "Conservatives" and the ignorant negro in politics by a younger and more progressive element of whites caused the people to feel that the establishment of schools would not be in vain. Government had been restored to the people and that meant schools for the people.

Economic conditions justified greater interest in education,as Table XIX indicates:

(INSERT HERE TABLE XIX)

TABLE XIX

INCREASE IN ECONOMIC RESOURCES IN N.C.,1890-1900

	1 1890	2 1900
Assessed Value Property --------	$156,100,209*	$306,579,715
Assessed Value Farm Property ---	217,427,500	233,834,693
Value Land and Buildings -------	183,977,810	194,655,920
Value Implements & Machinery ---	7,183,210*	9,072,600
Value Live Stock ---------------	25,547,280	30,106,173
Value All Crops ----------------	50,070,530	89,309,638
Capital in Industry ------------	32,745,995	76,503,894
Salaries & Wages in Industry----	7,830,536	13,868,430
Value Industrial Products ------	40,375,450	94,920,000
Bank Resources,Capital,Deposits-	15,401,057*	35,163,537

* 1880

1. United States Eleventh Census,1890 ,Vol.I,p.221;Vol.II,p.34
2. " " Twelfth " ,1900 ,Vol.V,p.152;Vol.VII,p.495

Special attention should be paid to these statistics in that they indicate that the State is dividing into two principal interests, agricultural and industrial. The assessed value of all property shows an increase of approximately 100 per cent, but it is equally clear that the greater part of this appreciable increase was made outside the agricultural sections. The increase in capital and salaries and wages in industry indicates the rapid building up of communities which, on account of their peculiar needs, would demand more progressive school legislation. If the Democrats from the agricultural East should make their legislation in regard to schools harmonize with agricultural conditions, then the industrial communities of the West would probably resort more than ever to special taxation as a means of providing satisfactory schools.

It will be observed, therefore, that during the years 1885-1900 satisfactory progress in public education was retarded by several factors. The celebrated Barksdale case, holding that education was not a necessary county expense, made it more essential

than ever that the State should assume a greater portion of the burden of support for schools;however, the State assumed but very little more of the burden.

Underlying this attitude of the State were conditions created by changes being wrought in the economic fabric of the State. Agriculture continued to be the chief industry,but manufacturing was developing so rapidly that it could not be ignored longer. Social conditions produced by industrial development demanded public education,but the older Democratic members of the General Assembly,especially those from the agricultural East,insisted upon clinging to the old order of things. Dissatisfaction with existing conditions began to spread in the early eighties,and in 1892 the dissatisfied elements from both parties found leaders who might cope with the impending issues. Before notable results could be achieved,however,these fusionists,regardless of their good purposes,were handicapped by the re-appearance of the negro in politics and the presence of the negro revived such prejudices among the people at large that the fusionists were unable to carry through a constructive program. But regardless of the defeat of the fusionists, one incomparably good

result was achieved by them. The ultra-conservative element which had directed the State's affairs since 1875 was forced to abdicate in favor of liberal-minded men with progressive ideas. North Carolina was in the throes of political and economic revolutions in the period between 1885 and 1900,and because of the unsettled conditions of the times progress in public education was slow;but there continued to be one very favorable source of satisfaction for the advocates of better schools. There was an ever-increasing number of advocates of local taxation for schools,and by 1900 the following districts were supporting their schools partially through the means of special taxation: Raleigh,Wilmington,Greensboro,Salisbury,Goldsboro, Charlotte,Durham,Rocky Mount,New Bern,Wilson,Winston, Reidsville,Asheville,Concord,Statesville,Shelby,Tarboro, Murphy,High Point,Washington,Waynesville,Selma,Kinston, Albemarle,Mt.Airy,Gastonia,Marion,and Cherryville.

The following tables show the condition of public education in North Carolina in 1900,as well as an account of the progress in the decade 1890-1900.

(INSERT HERE TABLES XX,XXI,XXII,XXIII)

TABLE XX

PUBLIC SCHOOL EXPENDITURES,1890-1900[1]

Year	Total Rural Expenditures	Total City Expenditures	Total School Expenditures
1890	$718,225.60	$ 68,920.00	$ 787,145.60
1895	828,650.56	115,000.00	943,650.56
1900	907,710.97	183,900.00	1,091,610.97

TABLE XXI

RURAL & CITY SCHOOL POPULATION & ENROLLMENT,1890-1900[2]

Year	White School Pop'l'n	Colored School Pop'l'n	Total School Pop'l'n	White Enrollment	Colored Enrollment	Total Enrollment	Percentage Enroll.
1890	391,623	235,911	627,534	208,844	117,017	325,861	.52
1895	423,338	240,421	663,759	239,149	124,012	363,161	.55
1900	455,060	244,936	699,996	278,447	131,005	409,452	.58

TABLE XXII

LENGTH OF SCHOOL TERM IN DAYS,1890-1900[3]

Year	Average Term White Rural Schools	Average Term White City Schools	Average Term in All White Schools	Average Term Colored Rural Schools	Average Term Colored City Schools	Average Term in All Colored Schools
1890	57	170	67	57	160	65
1895	61	170	70	60	160	70
1900	73	170	82	67	160	77

1. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.,1870-1906,p.6
2. Ibid,pp.10-11
3. Ibid,p.16

TABLE XXIII

SCHOOL HOUSES AND VALUE, 1890-1900[1]

Year	Value Rural White School Property	Value Rural Colored School Property	Value All Rural School Property	Value City White School Property	Value City Colored School Property	Value All City School Property
1890	$612,304	$180,000	792,304	210,000	42,300	$252,300
(Number)	4057	1860	5917	12	10	22
1895	800,000	220,000	1,020,000	285,000	65,000	350,000
(Number)	4524	2169	6693	18	14	32
1900	850,250	265,000	1,115,250	485,000	95,000	580,000
(Number)	4898	2200	7098	40	28	68

1. Coon, C.L., A Statistical Record of the Progress of Public Education in N.C., 1870-1906, p.15

These tables indicate progress, especially among the city schools which levied a special tax to supplement their regular school fund. The best index to the real progress is found in the percentage of school population enrolled and in the length of school term. A 58 per cent enrollment in 1900, the majority of which was in schools having an average term of 70 days, does not indicate a satisfactory system of public schools. On the other hand, the success of those city schools levying special tax is proved by the length of school term. This difference in success between rural and city schools was made possible to a great extent through the amount of special taxes collected, as shown in Table XXIV:

(INSERT HERE TABLE XXIV)

LOCAL SPECIAL DISTRICT FUNDS---FROM LOCAL TAXES, 1890-1900[1]

Year	Rural	City	Total
1890	None	$ 67,170.00	$ 67,170.00
1895	None	83,928.66	83,928.66
1900	$3,067.79	121,293,51	124,361.30

Considering political conditions in some of the cities during the period 1895-1898, this increase

1. With exception of the year 1900 these figures are based upon expenditures for schools in Coon's "A Statistical Record of the Progress of Public Education in N.C., 1870-1906", p.6, and reports of State Superintendents of Public Instruction to the legislature. The amounts of money paid by the State to the cities, according to the reports, is deducted from the total expenditures. Figures for 1900 are taken from the Biennial Report of the State Superintendent of Public Instruction, 1899-1900.

in proceeds from special taxation is very encouraging.

State Superintendent of Public Instruction Charles H.Mebane, just before relinquishing the duties of his office in January 1901 indicated clearly the emotional and practical arguments for local taxation:[1]

> Local taxation "is one way to increase the public school fund.....
>
> "By local tax the strong help the weak. Local tax is one way by which the brotherhood of man is forcibly brought before the public... The man of means and the poor man have a common interest in the instruction of the young.....
>
> "Look at our cities and towns where local tax has been the means of opening the schools alike to the poor and those of means..... Here they are taught to respect,honor,and love each other. Here they learn to have an interest in each other which otherwise would be unknown.....
>
> "The more money men put into anything the more interest they have in that thing. I think we usually pay enough school tax to ease our consciences,and not enough to cause us any concern as to how it is spent and what results follow the expenditure.....
>
> "One reason why we should have special tax for schools is to create special interest for schools."

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1. State Superintendent Charles H.Mebane's Report,1898-1900,pp.49-50

CHAPTER V

THE HEYDAY OF THE LOCAL TAX MOVEMENT,1900-1919

In 1900 Charles Brantley Aycock,an advocate of an aggressive and permanent policy of universal education,was elected Governor. He was fully conscious of the real need of the State. Said he,in his inaugural:[1]

> "On a hundred platforms,to half the voters of the State,in the late campaign,I pledged the State,its strength,its heart,its wealth,to universal education. I promised the illiterate poor man bound to a life of toil and struggle and poverty,that life should be brighter for his boy and girl than it had been for him and the partner of his joys and sorrows. I pledged the wealth of the State to the education of his children. Men of wealth,representatives of great corporations, applauded eagerly my declaration. I then realized that the strong desire which dominated me for the uplifting of the whole people moved not only my heart,but was likewise the hope and aspiration of those upon whom Fortune had smiled****** We are prospering as never before---our wealth increases,our industries multiply,our commerce extends,and among the owners of this wealth,this multiplying industry,this extending commerce,I have found no man who is unwilling to make the State stronger and better by liberal aid to the cause of education. Gentlemen of the Legislature, you will not have aught to fear when you make ample provision for the education of the whole people****** For my part I declare to you that it shall be my constant aim and effort,during the four years that I shall endeavor to serve the people of this State,to redeem this most solemn of all our pledges."

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1. Hamilton,J.G.deR.,History of N.C.,Vol.III,p.367.

Any man possessing those feelings and views and supported by a dominant party which had placed him in position to commit it to his feelings and views stood a very good chance of accomplishing something.

The General Assembly of 1901[1] lost no time in endeavoring to carry out Aycock's promises to promote the cause of education.

> "It appropriated $100,000 in addition to the one hundred thousand dollars to be apportioned among the several counties of the State in proportion to their school population, out of the State treasury for the purpose of bringing the length of the school term in every school district in the State up to the constitutional requirement of four months. Only such districts as were unable to provide for a school term of four months, with the funds available from ordinary county sources and State appropriations, were permitted to share in the special appropriation. Here we have something new in the method of distributing State school funds. A method is introduced which gives to some and denies to others, a method which is an admission on the part of the State that the responsibility for providing public schools rests with the State and not with the county or local district, to the extent that the State undertakes partially to balance inequalities in capacity for school support."[2]

Offhand it would not appear that such appropriations as these would have anything to do with special taxation; however, they do. Human nature tends to want more than it possesses. Those rural

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[2] Grigg, C., Legislative Basis for State Support of Public Elementary and High Schools in N.C. since 1868, pp.18-19

[1] Chapter 543, Public Laws of North Carolina, 1901.

school districts which had an average term of 65 days wanted 75 days,for instance,while some of the city schools which had an average term of 160 days wanted 180 days. The longer the term and the better the salaries paid to teachers,the better were the schools,also,and the greater their drawing power. The equalizing fund of 1901 tended to make the "leveled-up" districts want still more,and if the State would not supply the greater educational opportunities which were demanded,then the districts would supply themselves through the means of special taxation.

Anticipating the demands for improved schools as a result of this leveling-up process,the General Assembly of 1901 authorized any incorporated city or town,regardless of population,"in which there is not now levied a special tax for schools," to levy a special annual tax of not more than thirty cents on property or ninety cents on the poll,to supplement the public school fund in such city or town.[1] Furthermore,special school districts might be formed by the county board of education in any county, without regard to township lines,upon the petition of

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1. Chapter 4,section 71,Public Laws of N.C.,1901

one-fourth of the freeholders therein. With the approval of a majority of the qualified voters,these districts might levy a special tax not to exceed thirty cents on property and ninety cents on the poll, to supplement the public school fund.[1] There was also a provision for the levying of a special county tax by the commissioners for the support of the public schools,if the State tax levied was insufficient to maintain one or more schools in each school district for a period of four months.[2] The legislature of 1901, furthermore,authorized the establishment of a graded school in Guilford County,to be known as the "Guilford Graded School." This district was authorized to vote upon the question of a special tax,not to exceed one-third of one per cent on property nor one dollar on the poll,to supplement the public school fund.[3] The same Assembly authorized the establishment of a graded school in Marion and allowed a maximum tax of one-half of one per cent on property and one dollar and fifty cents on the poll.[4] It will be observed that the maximum rate of special tax was gradually increasing,thereby making better schools possible.

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1. Chapter 4,section 72,Public Laws of N.C.,1901
2. " 4, " 6, " " " " " "
3. " 219,Public Laws of N.C.,1901
4. " 351 " " " " " "

Upon the suggestion of Dr. Charles D. McIver,chairman of the campaign committee of the Southern Education Board,a convention was called to meet in Raleigh on February 13,1902,to devise ways and means of promoting the cause of education. Forty-three of the foremost educational leaders of the State were invited to attend. This notable gathering planned an extensive campaign for local taxation,consolidation, buildings,equipment,longer terms,and higher salaries. Ministers of the Gospel were requested to support the undertaking. State Superintendent of Public Instruction, J.Y.Joyner,was elected chairman of the campaign,and E.C.Brooks was appointed executive secretary. In this educational revival launched by Aycock,McIver,Joyner, and Brooks,everybody cooperated. Over 350 rallies were held in 78 counties,in addition to township rallies held by county superintendents in the several counties. Local tax districts increased almost immediately from 56 to 181;more than 300 districts were abolished by consolidation;and 676 new schoolhouses were built. There was an ever-increasing sentiment for the cause of education throughout the State.[1]

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1. Knight,E.W.,Public School Education in N.C.,pp.331 ff.

The legislature of 1903 retained the property tax of eighteen cents;likewise,it continued the appropriation of $100,000,to be apportioned according to school population,and the $100,000 equalizing fund. It authorized the establishment of a State Literary Fund of $200,000 to be used as a loan fund for building public schoolhouses.[1] Any district in any county could borrow from this fund through the county board of education,for the purpose of building and improving public schoolhouses in such district. The loan was to be a lien upon the total school funds accruing to the benefit of such county. This act made it possible for the counties to increase their expense,while affording no means for increasing the revenue;however,it afforded a means for obtaining suitable schoolhouses in the non-special tax districts, and had a direct tendency to encourage those districts to become special tax districts.

The same session of the legislature authorized the board of trustees of the Wilson graded school district to issue bonds to an amount not exceeding twenty thousand dollars,the proceeds of said bonds

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1. Chapter 567,Public Laws of North Carolina,1903

to be applied to the payment of indebtedness already incurred in erecting a graded school building. The question of the bond issue was to be submitted to the voters,and in case the latter voted favorably upon the issue the bonds were to be issued. The board of trustees were to be held responsible for the creation of a sinking fund and for the payment of interest, thereby necessitating the levying of an additional special tax.[1] The Enfield Graded School district was authorized also to issue bonds to an amount not exceeding twenty-five hundred dollars for the purpose of liquidating certain indebtedness. If the people approved the question,a special tax was to be levied for the purpose of paying interest and creating a sinking fund.[2] District Number One of Murphy[3] and Spring Hope Graded School District[4] were authorized to issue bonds to an amount not exceeding fifteen thousand dollars and six thousand dollars,respectively, for the purpose of erecting and furnishing school buildings. Each authorization necessitated the levying of a special tax for the purpose of paying

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1. Chapter 501,Public Laws of North Carolina,1903
2. " 331, " " " " " "
3. " 499, " " " " " "
4. " 507, " " " " " "

interest and creating a sinking fund.

The General Assembly authorized the establishment of graded schools in the town of Elizabeth City,which carried with it the necessity of levying,with the approval of the voters,a special tax not exceeding twenty cents on the one hundred dollars worth of real and personal property and other property taxed by the laws of North Carolina,and upon the poll a tax not exceeding sixty cents.[1]

Until 1905 nothing was said or done about the establishment of public high schools in North Carolina,outside the special charter districts. There existed many private high schools,academies, and seminaries,but these were attended by children of the wealthier class or by those more ambitious for an education. Since the public schools were turning out pupils at an early age,comparatively speaking,the State was confronted with the problem of absorbing these young people who were ill-prepared to assume a satisfactory station in life and who were unable to attend private schools of higher education. The General Assembly of 1905 decided that it would be

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1. Chapter 502,Public Laws of North Carolina,1903

better to make it possible for the young graduates of the public elementary schools to continue their education; consequently, the Assembly enacted the following statute:[1]

> "In any township, upon petition of one-fourth of the freeholders of the township, approved by the County Board of Education, the County Board of Commissioners.....shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars of valuation of property, and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other purposes, to be used for the establishment of a central high school or high schools in said township, in case such special tax is voted."

There is no doubt whatsoever that the General Assembly was actuated by an earnest desire to provide for high school instruction, but according to E.D.Tyree this legislation accomplished nothing.[2] Says this writer:

> "Since this act left the burden of support entirely on a local ad valorem property tax it failed in its purpose. There is no record that an election was called under the provisions of this act, and no township high schools were established."

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1. Chapter 533, section 13, Public Laws of N.C., 1905
2. Tyree, E.D., The Development of Public Secondary Education in North Carolina, pp.16-17

By 1905, the year in which this statute was enacted, the principle of special taxation for schools had been accepted by scores of districts; however, this means of support had not attained such a hold as would cause rural townships to share the entire burden of support for high schools. It will also be recalled that roads were quite poor in North Carolina in 1905, and with poor transportation the outlying districts of a township were not under much incentive to provide some central district with a high school at township expense.

The results of Aycock's stimulus to the cause of education may be seen clearly by 1905. During the period 1900-1905, inclusive, the total rural school expenditures increased from $907,710.97 to $1,426,552.54, while total city school expenditures increased from $183,900 to $529,224.36.[1] The percentage of population enrolled increased from fifty-eight to sixty-five.[2] The value of school property in the rural districts went from $1,115,250 to $1,664,345 and that in city districts from $580,000 to $1,518,573, an increase of nearly 200 per cent.[3] The average length of

1. Coon, C.L., A Statistical Record of the Progress of Public Education in N.C. 1870-1906, p.6
2. Ibid, p.11
3. Ibid, p.15

school term for white and colored rural schools jumped from 73 and 63 days,respectively,to 85 and 81 days,respectively.[1] One thing which caused this appreciable progress was the fact that the principle of special taxation was being accepted by more people. Proceeds from local taxation in rural districts increased from $3,067.79 to $31,913.24,an increase of one thousand and forty per cent,while that in city districts moved from $121,293.51 to $306,501.09.[2]

The demand for high school instruction was becoming more pronounced by 1907,and the General Assembly of that year heeded the demand by enacting a statute entitled,"An Act to Stimulate High School Instruction in the Public Schools of the State."[3] A public high school might be established in any district by the county board of education,provided the school would have a minimum term of five months. An agreement might be made between the county board of education and the committee of one public high school to permit all the children of the county to attend free,the tuition of said children from outside the district to

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1. Ibid,p.16.
2. Report of State Superintendent of Public Instruction, 1905-1906.
3. Chapter 820,Public Laws of N.C.,1907.

be paid equally by the county board of education and the State board of education,provided it cost neither more than five hundred dollars a year. The effect of this legislation was to guarantee high school instruction to every child in the county for a period of at least five months,provided the district would establish the high school. As a means of stimulating action on the part of the district,section 8 of this statute provided:

> "If a larger amount than two-hundred and fifty dollars be provided by local taxation, or by private donation,or by local appropriation, or otherwise,for the support of any public high school established and maintained under the provisions of this act,then the State shall contribute a like amount:Provided,That the State shall not contribute more than five hundred dollars in any one school year for the support of any one high school:Provided further,That not more than four public high schools in any one county shall be entitled under the provisions of this act to receive State funds."

The State contribution appears to be somewhat meager to the person of 1929,[1] and the limitations upon the contributions appear equally stringent;however,

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1. It is well to bear in mind,however,the greater value of money in 1907 than now and the lower salaries of teachers. A possible amount of five hundred dollars from the State,a like amount from the county,and at least as much from the local district would pay the salary of a principal and two teachers for eight months.

such provisions were probably necessary. The average rural school term in 1906 was 85 days for white schools and 82 days for colored schools.[1] In other words, the average term was but very little more than the required constitutional term of 80 days. There is clear evidence that the schools were having considerable difficulty in obtaining a four months term for the majority of the children. Would it not be reasonable for many of the people, therefore, to demand that the State contribute all of its school funds to the education of the larger number of children in the elementary grades rather than contribute even a part to the education of a smaller number of pupils in the high school? High school instruction for the majority of the people was a new thing and many of the people probably considered it unnecessary; therefore, the General Assembly had to move slowly in its appropriations until high school instruction was decided to be as necessary as elementary school instruction. At any rate, the 1907 statute was sufficient to stimulate high school instruction, as it was intended to do.

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1. Coon, C.L., A Statistical Record of the Progress of Public Education in N.C. 1870-1906, p.16

The same legislature enacted another statute of more than passing importance,"An Act to Require Attendance upon Public Schools for Sixteen Weeks in Each Year by All Children Between the Ages of Eight and Fourteen."[1] The enforcement of this statute would enlarge the enrollment in all of the schools,thereby increasing the expense of maintaining them. As had been the case for many years,there were many counties which were not maintaining four months schools even without compulsory attendance. If they could not maintain public schools for four months in every year when the enrollment was small and the expenses correspondingly low,how could they maintain schools for a sufficient period to enable each child to attend sixteen weeks when the expenses would be necessarily greater? The General Assembly evidently had a vision of what was just around the corner: the case of J.R.Collie v.Commissioners of Franklin County.[2]

Civil action was brought by Collie in the August,1907,term of Franklin County Superior Court

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1. Chapter 894,Public Laws of N.C.,1907
2. 145 N.C.170

to restrain the board of commissioners from a collection of a tax of one per cent on the one hundred dollars of valuation of property and three cents on the poll for the support of the public schools of Franklin County in addition to and beyond the limit of sixty-six and two-thirds cents on the one hundred dollars of valuation of property and two dollars on the poll levied for general State and county purposes in 1907. In upholding the levy of this additional tax Judge George H.Brown,who wrote the opinion of the Supreme Court,declared:

> 1."We hold with Mr.Justice Merrimon in the Barksdale case,that while this limitation upon the taxing power of the General Assembly prevails generally,it does not always prevail, and that it should not be allowed to prevent the giving effect to another article of the same instrument equally peremptory and important. We must not interpret the Constitution literally, but rather construe it as a whole;and we should, if possible,give effect to each part of it. The whole is to be examined with a view to ascertaining the true intention of each part,and to giving effect to the whole instrument and to the intention of the people who adopted it.
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> 2."Instead of prescribing the rate of tax to be levied for the purpose of a four months school,the General Assembly properly and wisely left the amount to be levied to be determined by the county authorities of each county. In some counties it may not be necessary to levy any tax, while in others some tax,differing in amount, will have to be collected in order to carry out

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L. 145 N.C.170,at pp.173 ff.

> the directions of the law. In levying the tax the board of commissioners must observe the equation between property and poll fixed in the Constitution. In estimating the tax necessary beyond the limit of sixty-six and two-thirds cents on property and two dollars on the poll to give a four months term,no longer period may be considered. When the four months requirement is fulfilled,the limit of taxation fixed in Article V necessarily takes effect, and anything beyond that would be void.
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> 3."While the General Assembly must regard such limitation upon its power to tax,as defined in many decisions of this court,when providing for the carrying out of objects of its own creation and the ordinary and current expenses of the State government,yet,when it comes to providing those expenses especially directed by the Constitution itself,we do not think the limitation was intended to apply."

Judge Walter Clark in his concurring opinion said:

> "The error has been in assuming that in such case the necessary expenses of the county come first. Such is not the mandate of the Constitution. The maintenance of schools for four months in each county is imperatively commanded. If the margin left is not sufficient to raise money enough to defray the necessary expenses of the county,taxes for that purpose can be levied without a vote of the people,by approval of the General Assembly."[1]

The decision of the Court in this case was based largely upon the same principles enunciated in the dissenting opinion of Judge Merrimon in the Barksdale case and partly on the dissenting opinion of Judge Avera in the Bladen County case,although the

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1. It should be mentioned as indicating the close connection between the Aycock educational revival and the reversal of the illiberal court decisions of the Barksdale and Bladen County cases that Ex-Governor Aycock was the attorney for the county commissioners in the Collie case.

Court did not concur in much of Judge Avera's opinion. The Collie case was of inestimable importance not only because it guaranteed a four months school term but also because it placed the obligation of maintaining a public school system on the same footing as the obligation to perform other duties. The limitation of the taxing power in Article V of the constitution was given at last the interpretation which the makers of the constitution apparently intended,thereby brightening the future probabilities of establishing a satisfactory school system. In so far as expediency was concerned,it might have helped the cause of education had the Court not defined "at least four months" as meaning not less and not more than four months. In that case,each county,through its commissioners,would have been "free to levy taxes for any length of school term thought wise beyond the minimum prescribed term,without first submitting the tax levy to a vote of the people."[1] From the standpoint of public temperament,however,it was probably an act of wisdom that the Court did not suddenly give the commissioners too much power. Educational sentiment was growing with great rapidity because the educational

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1. Coon,C.L.,School Support and Our N.C.Courts,1868-1926, p.19

system of the State was developing at a normal gait. However,to have attempted to raise educational progress upon a higher level than public appreciation would have produced a very unfortunate reaction.

Thus,after thirty-nine years of more or less commendable effort,every school in every district of North Carolina was guaranteed a four months term. Since the constitutional requirement was complied with,should the General Assembly slacken in its endeavor to promote the cause of education? Should provisions be made for further special taxation? Public opinion demanded that the educational program go forward with renewed vigor,for after all there was not a general and uniform system of public schools in the State. Those communities which had established satisfactory schools through special taxation had succeeded in building up such high standards that there was but little comparison between them and the standards of the schools which had depended entirely upon financial support from a might-have-been-benevolent State. In consequence thereof,the problem of"leveling-up" educational opportunities was almost as acute as ever.

It will be remembered that in 1901 the General Assembly established an equalizing fund of $100,000, to be apportioned to those districts which could not have a four months term out of the funds available. It was realized at that time that there was need of a subsidy to the economically backward counties. The legislature of 1909, even in the light of the favorable decision handed down in the Collie case, was not so overjoyed but that it recognized the inability of certain counties to maintain schools for four months without the greatest difficulty. Whereupon, the Assembly retained the equalizing fund of $100,000, but changed the method of apportionment.[1] The old law was amended so as to require that each county which could not maintain its schools for four months with the regular State and county school tax, levied and kept within the county, should levy a special property tax and poll tax sufficient to supply one-half of the deficiency: Provided, That this special tax should not be less than one cent nor more than five cents on one hundred dollars of valuation. The State would supply the other one-half of the deficiency and, furthermore, if this was insufficient to maintain the schools for four months,

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1. Chapter 508, Public Laws of N.C., 1909

the additional amount required would be appropriated from the State treasury.

Thus it is seen that the State encouraged special taxation for providing the minimum term as well as for those districts which were inclined to extend their term beyond the minimum. Not satisfied with having provided for the constitutional term of four months, the General Assembly proceeded to encourage special taxation with the hope that such provision would help to create even higher standards, to which the inferior parts of the system might aspire. This is indicated by the following statute:[1]

> "Special school tax districts may be formed by the county board of education in any county without regard to township lines under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school district, in whose names real estate in such district is listed in the tax lists of the current fiscal year, endorsed by the county board of education, the board of county commissioners..... shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in such district a special annual tax of not more than thirty cents on the one hundred dollars of valuation of property and ninety cents on the poll to supplement the public school fund which may be apportioned to such district by the county board of education in case such special tax is voted."

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1. Chapter 525, section 4, Public Laws of N.C., 1909

Compared with any previous decade, the educational progress in North Carolina in 1900-1910 was nothing short of marvelous, as the following tables prove:

(INSERT HERE TABLES XXV, XXVI, XXVII)

TABLE XXV

PUBLIC SCHOOL EXPENDITURES, 1900-1910[1]

Year	Total Rural Expenditures	Total City Expenditures	Total School Expenditures
1900	$ 907,710.97	$ 183,900.00	$1,091,610.97
1905	1,426,552.54	529,224.36	1,955,776.90
1910	2,126,695.50	1,052,255.00	3,178,950.50

TABLE XXVI

RURAL & CITY SCHOOL POPULATION & ENROLLMENT, 1900-1910[2]

Year	White School Pop'l'n	Colored School Pop'l'n	Total School Pop'l'n	White Enrollment	Colored Enrollment	Total Enrollment	Percentage Enroll.
1900	455,060	244,936	699,996	278,447	131,005	409,452	.58
1905	486,775	249,446	736,221	325,290	148,821	474,111	.65
1910	497,077	238,091	735,168	360,121	160,283	520,404	.64

1. Coon, C.L., A Statistical Record of the Progress of Public Education in N.C. 1870-1906, p.6
   State Supt. J.Y. Joyner's Report, 1909-1910
2. Coon, C.L., A Statistical Record of the Progress of Public Education in N.C. 1870-1906, pp.10-11
   State School Facts, Vol.V, No. 8

TABLE XXVII

LENGTH OF SCHOOL TERM IN DAYS, 1900-1910[1]

Year	Average Term White Rural Schools	Average Term White City Schools	Average Term In All White Schools	Average Term Colored Rural Schools	Average Term Colored City Schools	Average Term In All Colored Schools
1900	73	170	82	67	160	77
1905	85	171	94	81	168	91
1910	93	175	105	82	165	94

1. State School Facts, Vol.V, No.11

In 1900 and in 1905 the value of all school property in the State was $1,695,250 and $3,182,918,[1] respectively,[2] while in 1910 the total value was $5,862,969, an increase of nearly 100 per cent in the last half of the decade.

"Some of the outstanding facts of the progress in rural education from 1901 to 1910 are:[3]

1. Average term increased nearly a school month
2. Expenditures for teacher's salaries doubled
3. Enrollment increased 22 per cent
4. Average daily attendance increased 41 per cent
5. The number of local tax districts increased from 18 to 1167
6. Rural libraries increased from 472 to 2272
7. Illiteracy among the white population above ten years of age was reduced from 19.4 per cent to 12.3 per cent, and among the negroes from 47.6 per cent to 31.9 per cent."

In 1907 there were 45 city and town public high schools with an enrollment of 3,195 pupils. In 1907-08,156 rural public schools with an enrollment of nearly 4000 pupils were established. By 1910,there were 12,031 pupils enrolled in the public high schools in North Carolina.[4]

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1. Coon,C.L.,A Statistical Record of the Progress of Public Education in N.C.,1870-1906,p.15
2. State School Facts,Vol.V,No.9
3. Ibid,Vol.V,No.4
4. Ibid,Vol.V,No.10

A large part of this educational improvement during the decade of 1900-1910 was produced by funds obtained through special taxation, as the following table indicates:

(INSERT HERE TABLE XXVIII)

TABLE XXVIII

LOCAL SPECIAL DISTRICT FUNDS--FROM LOCAL TAXES, 1900-1910[1]

Year	Rural	City	Total
1900	$ 3,067.79	$121,293.51	$124,361.30
1905	31,913.24	306,501.09	338,414.33
1910	296,914.63	580,885.28	877,799.01

1. Biennial Reports of State Superintendents of Public Instruction for Scholastic Years 1899-1900; 1905-1906; 1909-1910

In 1900,the amount of special taxes for schools was 11 per cent of the total expenditures; in 1905,17 per cent;and in 1910,27 per cent. The increase in proceeds of special taxation and the increase in general educational conditions did not vary much.

Of course,many things underlie this satisfactory improvement in schools. Political conditions were settled:--the negro was relegated to the position which his ability justified,and the State government was in the hands of a group of young men who had progressive ideas. The people,especially those in the industrial sections,felt the need of the benefits of education and proceeded to supply themselves with satisfactory schools. The idea that the education of the negro was inevitable began to dawn upon the people,and public schools were not as strongly opposed as before. And probably the chief reason for the development of public education lay in the fact that from an economic point of view the expenditure of money was justifiable. The following table is a valuable index to economic conditions:

(INSERT HERE TABLE XXIX)

TABLE XXIX

INCREASE IN ECONOMIC RESOURCES IN N.C.,1900-1910

	1 1900	2 1910
Assessed Value Property --------	$306,579,715	$613,000,000
Assessed Value Farm Property ---	233,834,693	537,716,210
Value of Land ------------------	141,955,840	343,164,945
Value of Buildings -------------	52,700,080	113,459,662
Value Implements & Machinery----	9,072,600	18,441,619
Value Live Stock ---------------	30,106,173	62,649,984
Value All Crops ----------------	89,309,638	131,071,959
Capital in Industry-------------	76,503,894	217,186,000
Salaries & Wages in Industry ---	13,868,430	41,251,000
Value Industrial Products ------	94,920,000	216,656,000
Bank Resources,Capital,Deposits-	35,163,537	130,673,436

1. United States Twelfth Census,1900,Vol.V,p.152;Vol.VII,p.495
2. " " Thirteenth " 1910,Vol.V,p.283;Vol.VIII,p.543

As a whole, the economic wealth of North Carolina more than doubled during this period, and if the true value of everything could be obtained it is quite probable that the wealth trebled in value. The greatest increase, that of industry, was centered in more thickly populated districts and these would be expected to achieve greater progress in education as a result of being able to pay special taxes with greater ease.

The General Assembly of 1911 retained the equalizing fund of $100,000, and increased the State school tax from eighteen to twenty cents on the one hundred dollars of valuation of property, and the tax on polls from fifty-four to sixty cents.[1]

The enactment of a statute which would prove of immense benefit to those accepting it and which would necessitate the levy of special tax was that providing for the establishment of County Farm-Life Schools and for the promotion of agriculture and home making.[2] One was to be established in each county upon the request of the county board of education to

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1. Chapter 46, section 3, Public Laws of N.C., 1911
2. Chapter 84, Public Laws of N.C., 1911

the county board of commissioners, followed by a favorable vote of the people of the entire county. Bonds not to exceed $25,000 could then be issued, the proceeds from which to be used for providing the necessary equipment. A special tax would be levied for the purpose of paying the principal and interest.

The Assembly of 1911 provided for the transportation of pupils in consolidated districts[1] with the hope that this would encourage special taxation and the elimination of small, inefficient schools.

In behalf of uniformity and progress in the county schools as a whole, the legislature enacted the following statute:[2]

> "Upon petition of the county board of education of any county the county commissioners may order an election to be held in the county to ascertain the will of the people whether there shall be levied on all taxable property and polls in the county a special tax, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll, to supplement the county school fund of the county."

The enactment of this legislation authorizing the levy of a county-wide special tax is a very good indication of the progress of public

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1. Chapter 135, Public Laws of N.C., 1911
2. " 71, " " " " " "

education. The chief result of the Lane v.Stanly decision was to make local progress in education subject to county progress,and since the larger unit was slow to advance,the local unit had to resort to special legislation permitting the right of special taxation in order to establish satisfactory schools.[1] The number of local units levying special taxes had increased so rapidly that in 1911 the legislature probably realized that opportunity for levying special taxes should be extended to the larger unit. In short,local districts had established such a degree of uniformity among themselves as to justify the extension,or culmination,of this uniformity into a larger unit,of which the local districts were a great part.

This legislation enabling the county to establish a fairly uniform system of schools beyond the required four months term was very commendable,but it provided for nothing definite at which to aim. Public sentiment was in danger of becoming static. Therefore, the legislature of 1913 endeavored to remove this danger by providing for a six months term. Under the caption:"An Act to Provide for a Six Months School

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1. It will be recalled that prior to 1897 only special chartered districts voted any appreciable amount of special taxes for schools. In 1897,(see pages 87-89,preceding),the Fusionists took steps to stimulate local taxation in rural districts,but little benefit resulted from the attempts. Beginning in 1899,however,the Democrats,who had defeated the Fusionists in 1898,took similar steps with considerably greater success.(See pages 90-91,preceding).

Term in Every Public School District of the State,"[1] the sum of $250,000 was appropriated with the provision that it should be apportioned to the respective counties of the State per capita as to school population. Five cents of the State property tax was to be set aside as "The State Equalizing Fund," and was to be used to provide a six months school term in every district of the State,"or as nearly a six months term as said funds will provide."

In order for a county to share in this equalizing fund,the county board of education had to submit a sworn itemized statement to the State board of education showing the number of teachers employed and the grade or class and the salary of each teacher. Furthermore,it had to show under oath that provisions had been made as required by law for a four months term in each district of said county,the rate of special tax levied therefor and the aggregate fund derived or to be derived therefrom. After the State treasurer had certified the exact amount of the equalizing fund, the State board of education was to apportion it so as to equalize the school terms in said counties,bringing

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1. Chapter 33,Public Laws of N.C.,1913

all terms in all districts to a minimum of six months, or as near thereto as possible.

It was provided further that in the apportionment of the county school fund and in the apportionment of this equalizing fund to school districts levying a special tax for their schools,no account should be taken of the funds provided from the special tax. However,the special tax was to be reduced proportionately to the amount apportioned from the county and State funds and to the needs of the district, provided that by so doing the length of the term would not be decreased.

Furthermore,this act provided that any county that had levied a special tax of as much as fifteen cents for a four months term,even though this rate were insufficient therefor,should be entitled to receive from the fund an apportionment for salaries of teachers for the same increased period beyond the end of its school term as it would if it had provided a full four months term in every district.

This act stated specifically that no county could receive any part of this fund until it shall have levied the special tax of not more than

fifteen cents for a four months school term in every school district.

The chief result of this legislation was to make it possible for the establishment of higher educational standards and at the same time to place a premium upon local effort as manifested through the levying of a special tax. It is true,as Dr.F.W.Morrison says,[1] "that this act did not provide as long a term for those counties which could not themselves provide a four months term as it did for the counties providing for themselves a full four months term;" nevertheless,it was an admirable way of making certain that there would be no slackening in the attempt to have as good schools as the neighboring districts or counties enjoyed.

These various provisions for levying special taxes with which to supplement the public school fund,combined with more liberal State support and greater educational interest,produced very admirable results by 1915. In the period 1910-1915,inclusive,the amount of rural local tax increased from $296,914,63 to $602,839.41,an increase of more than 100 per cent,

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1. Morrison,Fred W.,Equalization of the Financial Burden of Education among Counties in N.C., p.14

while that in city districts moved from $580,885.28 to $849,231.36,an increase of approximately 46 per cent.[1] This rapid increase among the rural districts is very noteworthy,and indicates that the principle of special taxation has been accepted by all concerned. The amount of special tax in 1915 was 23 per cent of the total expenditures,whereas in 1910 it was 27 per cent. This decrease indicates that the State and county support has increased very creditably,probably because of the desire to narrow the difference in educational opportunities offered to the rural children in comparison with those offered city children. The results of this special tax increase may be judged from the remarkable improvement in the length of school term. The average term for rural white and colored pupils increased from 93 days and 82 days, respectively,to 116 days and 102.4 days,respectively, an increase of more than one school month over a period of five years.[2] At tne same time,tne average length of term for white and colored pupils in the city districts decreased from 175 days and 165 days,respectively,to 170 days and 168 days,respectively.[3] This decrease may

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1. State Supt.J.Y.Joyner's Report,1915-1916
2. State School Facts,Vol.V,No.11
3. Ibid.

be attributed to the fact that many of the recent additions to this classification of schools enjoyed terms of approximately 160 days.

The General Assembly of 1915 retained the State property tax of twenty cents,[1] and made one change in the apportionment of the equalization fund.[2] Chapter 33 of the Public Laws of 1913 was so amended as to allow a county to set aside from twenty-five per cent down to fifteen per cent of the total school fund from general and county sources as a contingency fund, and thereby draw a proportionately larger amount from the equalizing fund.[3] This provision was necessary because of the rapidly rising price of all commodities which could not be foreseen by a budget-making body.[4]

The legislature of 1915 also enacted a statute under which special tax districts might be formed out of portions of contiguous counties,provided the petition was endorsed by the county board of education of each county and provided the voters of the proposed district voted favorably upon the question.[5]

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1. Chapter 285,Public Laws of N.C.,1915
2. Chapter 236,section 9,Public Laws of N.C.,1915
3. Morrison,Fred W.,Equalization of the Financial Burden of Education among Counties in N.C.,p.14
4. Grigg,C.,Legislative Basis for State Support of Public Elementary & High Schools in N.C.since 1868,p.24
5. Chapter 236,Public Laws of N.C.,1915

This attempt to encourage special taxation among the more remote and sparsely populated districts of a county was indication that the General Assembly wanted uniform special taxation which would ultimately result in a uniform county-wide system with a longer term and other superior facilities.

Realizing that adequate schoolhouses are necessary for the success and efficiency of schools, the same Assembly authorized the issuance of bonds, upon the favorable vote of the people, for the building of schoolhouses in any county, township, or school district which embraced an incorporated town or city, or in which a public school with a high school department was maintained.[1] The amount of bonds which could be issued under this act was limited to $100,000 for an entire county and not more than $25,000 for a township or school district; however, the amount of bonds for a township or school district might be in addition to the bonds for the entire county. A special tax not exceeding thirty cents on the one hundred dollars valuation of property and ninety cents on the poll was to be levied for the payment of interest and to

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1. Chapter 55, Public Laws of N.C., 1915

create a sinking fund sufficient to pay the principal and interest.

In the interest of further progress in the educational system and in response to the demands made by certain districts,the legislature authorized any school district,upon a favorable vote of the people, to levy a special tax of not more than fifteen cents on property and forty-five cents on each poll for the purpose of establishing kindergarten departments in the schools of said districts.[1]

By 1917,many districts throughout the State were in danger of becoming static as a result of the lack of a higher goal at which to aim. In the first place,there were those districts which,as a result of being endowed with greater wealth and with possibly a superior determination to meet their more complicated needs with better educational facilities,had taken advantage of the various opportunities to levy special taxes for the support of their schools. They had advanced far beyond the required constitutional term of four months and had assumed a superior advantage with which they were in danger of being content.

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1. Chapter 234,Public Laws of N.C.,1915

In the second place, there were those districts which were economically able to extend their school term beyond the constitutional requirement of four months, but which were suffering from an inferiority complex apparently causing them to be satisfied in trailing the standard-bearers mentioned in the preceding paragraph. These districts needed a wider gulf between themselves and the standard-bearers in order that they might realize just how far behind they were.

A third group was composed of those districts which were unable to put forth much greater effort at that time. These needed temporary assistance.

With the view of remedying general conditions, the General Assembly of 1917 passed an act to amend the Constitution of North Carolina so as to insure a six months school term.[1] This amendment was to be submitted, at the next general election, to the qualified voters of the State. Naturally, the acceptance of this amendment would raise the standards of all the schools, directly or indirectly. The immediate result, however, would be a "leveling-up" of educational opportunity.

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1. Chapter 192, Public Laws of N.C., 1917.

The legislature did not want a merely "leveled-up" six months system of public education, however. Even before the amendment could be submitted to the people, the Assembly made provisions for the establishment of higher standards than ever. It authorized the levying of an additional special annual tax in any graded public or high school district that included any incorporated city or town, provided that it was voted upon favorably by the qualified voters of the district and upon the condition that the aggregate of all school taxes annually levied and collected (other than taxes levied and collected for the purpose of paying the interest or principal of public, graded, or high school bonds), should not exceed one dollar on the one hundred dollars worth of property.[1] The legislature also enacted a statute whereby authority was granted for enlarging graded school districts in incorporated towns or cities so as to include territory situated outside of and contiguous to the corporate limits of such town or city.[2] The enlargement was dependent upon the will of the voters in the new territory, and in case the question was

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1. Chapter 102, Public Laws of N.C., 1917
2. " 104, " " " " " "

voted upon favorably,a special tax,not exceeding that in the original district,should be levied. This arrangement for working outward would have a natural tendency to instil within the people of the adjacent territory a desire for better schools.

To assist more justly those counties which shared in the equalizing fund,the Assembly of 1917 amended the law relating to the apportionment of the fund.[1] Each school district in each county,regardless of its inability to maintain a four months term after levying the maximum tax required,was guaranteed a four months term. Then,all counties were to share in the remainder of the fund so as to provide for the payment of the salaries of all teachers in each county for an equal number of days.

This change in the method of apportioning the equalizing fund was a decided improvement over the previous method;however,it compelled many counties to levy an additional special tax for the support of their schools. It would appear that the State's act of compelling some of the counties to levy a special tax in addition to the regular special tax of fifteen

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1. Chapter 281,Public Laws of N.C.,1917

cents was slightly contrary to the purpose for which special taxes were to be levied.

In the general election of November, 1918, the voters of North Carolina accepted the amendment extending the constitutional school term from four months to six months. In accordance with the constitutional mandate to provide for a six months school term in every district of the State, the General Assembly of 1919 enacted a statute whereby the county would be held responsible for the operation of the school system for three months and that the State itself, through the state-wide property tax, would maintain and operate the schools for another three months.[1]

From the preceding facts it will be seen that at the beginning of the twentieth century there was considerable demand for public education. Fortunately for the welfare of the future citizens of the State, Charles B. Aycock as governor appeared upon the scene in position to cause the State to pay deserved attention to the demand for better schools. Under his leadership and later under that of J.Y. Joyner as Superintendent of Public Instruction, public education

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1. Chapter 102, Public Laws of N.C., 1919

in North Carolina advanced by leaps and bounds. State appropriations as well as local supplements increased. From 1900 to 1910 total expenditures for schools increased over 200 per cent,while the total enrollment advanced only about 30 per cent. Proceeds from local taxes in rural districts advanced from $3,067.79 to $296,914.63,an increase of nearly 10,000 per cent, while in special charter districts the proceeds increased from $121,293.51 to $580,885.28,an increase of almost 400 per cent. Whereas in 1900 the amount of local taxes in rural districts was about one-third of one per cent of the total expenditures for schools,in 1910 it was about 15 per cent. For the same period, the proportion of local taxes in special charter districts to total expenditures decreased from approximately 66 per cent to 52 per cent,thus indicating that the "city" schools had obtained satisfactory educational facilities or else that the special charter districts were beginning to feel the burden of the special local taxes for schools.

The incorporation of the nigh school department into the public school system in 1907 improved the entire system and necessitated the levy of additional taxes,especially special local taxes,

since all of the high schools had terms in excess of the constitutional term of four months. From 1910 to 1920 the total expenditures for schools increased approximately 300 per cent;rural local taxes over 200 per cent;and special charter taxes about 200 per cent. It will be noticed that special local taxes always increased with the increase in the regular school taxes.

The decision of the Supreme Court in the Collie case of 1907,placing the obligation of maintaining a public school system on the same footing as the obligation to perform other duties,was of more than extraordinary importance to the rapid development of public education in North Carolina. Had there been less desire for public schools,this decision might have caused a considerable decrease in the amount of local taxes for schools in that the regular taxes would have been sufficient in some instances to provide very satisfactory schools;however,the demand for improvement in the public school system and the gradual establishment of high schools really caused more special taxes than ever to be levied for the partial support of schools.

There is no doubt but that the six months school term in North Carolina was the partial result of conditions produced by the levy of special local taxes for schools. The idea of special taxation had been accepted by so many districts, both rural and city, that the educational standards established by these districts were so far advanced over the other districts of the State that a general leveling-up process could be delayed no longer. Of course, economic resources of the State contributed to the demand for this process. But to level up the standards through the extension of the school term meant an increase in the burden upon those counties which were economically poor and, naturally, there was a greater need than ever for equalization funds.

CHAPTER VI

ATTEMPTS TO EQUALIZE EDUCATIONAL OPPORTUNITY,1919-1929, THROUGH EQUALIZATION OF THE BURDEN OF SCHOOL SUPPORT

To fulfill the need for equalization funds, the General Assembly of 1919 increased the State property tax to thirty-two cents on the one hundred dollars valuation. The proceeds were to go into "The State Public School Fund,"[1] and this fund was to be used only for paying teacher's salaries. The county board of education was required to submit an itemized county school budget to the county board of commissioners,setting forth the amount of money needed to maintain the public schools of the county for six months for the succeeding year,number of teachers employed,and such other information as might be required by the State Superintendent. The act then required the county commissioners, after deducting the amount to be received from the State Public School Fund,to levy annually on all property and polls a special tax sufficient to support and maintain the schools for six months;Provided,That no county should be compelled to levy a special county tax of more than thirty-five cents on property and a corresponding tax on every taxable poll. And after every county had levied and collected the special county tax to the limit stated,if the funds derived therefrom might be insufficient therefor, said county should receive from the State Public School Fund

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1. Chapter 102,Public Laws of N.C.,1919.

an apportionment sufficient to bring the school term in every school district to six months.

An act of no little importance to the cause of education in North Carolina was that passed in 1919 providing for the Statewide valuation of all property in North Carolina.[1] Heretofore, there had been as many standards of valuing property as there had been counties, except for the theoretical authority of the State to equalize valuations in cases where the State revenue was too obviously reduced. Some counties had assessed property for taxation at a fair value, while others had assessed it otherwise. And this one situation had done much to retard the progress of education. In those counties where the valuations were low, the proceeds from the State property tax and the special taxes for schools were correspondingly low. It is quite probable, therefore, that many counties which claimed to be unable to support better schools in the past could have done so had they insisted upon a fair valuation of property.

In 1919, the total valuation of all property in North Carolina amounted to $1,099,296,290, while after the valuation completed in 1920 the total amount was $3,156,243,202. Of course, there were many defects in the system of taxation after the revaluation, but the revaluation did give to the General Assembly a fairly accurate measure

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1. Chapter 84, Public Laws of N.C., 1919.

of the counties' ability to support schools or any other tax-maintained State project.[1]

As a result of this act,a tax of ten cents would produce approximately the same amount as a tax of thirty cents would have produced previously. Since taxpayers,as a rule are more interested in the rate of tax than in the amount of proceeds from the tax,this revaluation might have such a psychological effect upon the people as to cause them to vote a higher special tax with subsequent greater proceeds.

The educational progress in North Carolina in the decade of 1910-1920 should make any citizen feel proud of his State,as the following tables suggest:

(INSERT HERE TABLES XXX;XXXI,XXXII,XXXIII,XXXIV)

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1. Morrison,F.W.,Equalization of the Financial Burden of Education Among Counties in N.C.,p.17

TABLE XXX

PUBLIC SCHOOL EXPENDITURES,1910-1920[1]

Year	Total Rural Expenditures	Total City Expenditures	Total School Expenditures
1910	$2,126,695.50	$1,052,255.00	$3,178,950.50
1915	3,903,191.98	2,229,021.78	6,132,213.76
1920	7,973,640.86	4,240,617.34	12,214,258.20

TABLE XXXI

RURAL AND CITY SCHOOL POPULATION AND ENROLLMENT,1910-1920[2]

Year	White School Population	Colored School Population	Total School Population	White Enrollment	Colored Enrollment	Total Enrollment	Percentage population Enrolled
1910	497,077	238,091	735,168	360,121	160,283	520,404	,64
1915	540,410	260,987	801,397	418,902	187,448	606,350	,677
1920	573,736	267,245	840,981	478,189	213,060	691,249	,685

TABLE XXXII

LENGTH OF SCHOOL TERM IN DAYS,1910-1920[3]

Year	Average Term White Rural Schools	Average Term White City Schools	Average Term In All White Schools	Average Term Colored Rural Schools	Average Term Colored City Schools	Average Term In All Colored Schools
1910	93	175	105	82	165	94
1915	116	170	125.6	102.4	168	113.5
1920	126.4	170.1	135.9	118.3	165.1	127.4

1. Biennial Reports of State Superintendents,1909-1910; 1915-16;1919-1920.
2. State School Facts,Vol.V,No.8.
3. State School Facts,Vol.V,No.11.

TABLE XXXIII

VALUE OF SCHOOL PROPERTY, 1910-1920[1]

Year	White	Colored	Total Value
1910	$ 5,698,944	$ 677,448	$ 6,376,392
1915	9,270,583	1,163,533	10,434,116
1920	21,670,514	2,387,324	24,057,838

TABLE XXXIV

LOCAL SPECIAL DISTRICT FUNDS-FROM LOCAL TAXES, 1910-1920[2]

Year	Rural	City	Total
1910	$296,914,63	$580,885.28	$ 877,799.01
1915	602,839.41	849,231.36	1,452,070.77
1920	935,144.20	1,633,705.03	2,568,849.24

1. State School Facts, Vol.V, No.9
2. Biennial Reports of State Superintendents for Scholastic Years, 1909-1910; 1915-1916; 1919-1920.

The addition of nearly two months to the length of school term in rural school districts is the best index to the progress of the decade. This rapid advance by the rural schools has been in about the same proportion as the advance in special taxes. A large part of the total expenditures went into new buildings;therefore, the part which special taxes played in the support of current expenses is considerably greater than the figures indicate. Since most high schools endeavored to meet the requirements for becoming accredited schools,the chief of which requirement is an eight months term or two months beyond the required constitutional term of six months,the progress of high schools during the decade 1910-1920 serves as a better index to the real results of special taxation. The following table shows high school progress:

(INSERT HERE TABLE XXXV)

PROGRESS OF NORTH CAROLINA PUBLIC HIGH SCHOOLS,1910-1920[1]

Year	Enrollment	Average Attendance	Percentage In Attendance
1910	12,031	9,137	75.9
1915	16,783	13,270	79.1
1920	29,294	22,513	76.9

1. State School Facts,Vol.V,No,10.

In order for these high schools to function properly,it was necessary that the pupils have previous training in efficient elementary schools of eight months duration. This condition necessitated the establishment of satisfactory elementary schools in conjunction with high schools and,subsequently,the necessity of levying additional special taxes with which to supplement the public school fund provided for the support of the required constitutional term of six months.

Behind all of this progress in education was improvement in the economic condition of the State, as the following table demonstrates:

(INSERT HERE TABLE XXXVI)

TABLE XXXVI

ECONOMIC PROGRESS IN NORTH CAROLINA,1910-1920

	1910 [1]	1920 [2]
Assessed Value of All Property	$613,000,000	$3,139,705,000
Value Farm Property	537,716,210	1,250,166,195
Value of Land	343,164,945	857,815,016
Value of Buildings	113,459,662	218,577,944
Value Implements & Machinery	18,441,619	54,621,363
Value Live Stock	62,649,984	119,152,672
Value All Crops	131,071,959	503,229,313
Capital in Industry	217,186,000	669,144,096
Salaries & Wages in Industry	41,251,000	154,000,000
Value Industrial Products	216,656,000	943,807,949
Bank Resources,Capital,Deposits	130,673,436	512,511,000

1. United States Thirteenth Census,1910,Vol.V,p.283;Vol.VIII, p.543.
2. " " Fourteenth " 1920,Vol.V,p.230;Vol.VIII, p.296.

This commendable increase was produced partially by conditions arising out of the World War, and everything was inflated; however, the same thing applies to school expenditures. The purchasing power of a dollar was not nearly so great during the latter part of this decade, but this had a tendency to help schools just the same. People formed the habit of spending money for education, and they went so deeply into the question of education that after the deflation came it was as easy to go forward as to go backward.

Because of the greatly increased listed property values resulting from the revaluation of 1919, the General Assembly of 1920, in special session, reduced the State property tax from thirty-two cents to thirteen cents.[1] It provided that no county should participate in the equalizing fund until it had provided by tax levy or by borrowing ten per cent more for the school year 1920-1921 than it provided in the school year 1919-1920; provided, however, that no county should have to levy under this requirement a special county tax of more than fifteen cents. If this fifteen cents special tax, together with the amount to be derived from the State Public School Fund should still produce a deficit, then the State would pay the deficit. Again it is observed that the State compels a county to levy a special tax in order that it might participate in the

1. Chapter 91, Public Laws of North Carolina, 1920, Extra Session.

equalizing fund. What would be the result of this compulsion in case it imposed a real economic burden upon the counties affected? Should a poor county be compelled to make more effort than a rich county,especially when the State is constitutionally responsible for public education?

At the general election in November,1920, the electorate of North Carolina approved a constitutional amendment providing for the levying of a graduated income tax. The proceeds from this tax,together with other State revenues,were sufficient to justify the discontinuance of the State property tax;[1] consequently,no State property tax has been levied since. Naturally,this change in the source of revenue would necessitate a change in the law providing for school support and equalization of the burden.

The legislature of 1921 appropriated from the general fund of the State Treasury the sum of $1,400,000,to be known as the "State Public School Fund," and to be apportioned as follows:[2]

$642,750 was appropriated for teacher training, high schools,extension work,division of certification of teachers,negro education,publications,medical examination of children,rural libraries,and for expenses of textbook adoption. The State Board of Education was to apportion the

1. Chapter 34,Public Laws of N.C.,1920,Extra Session
2. Chapter 146,Public Laws of N.C.,1921

remainder of this fund---$757,250---to each county unable to provide a six months school term after levying a maximum rate of as much as thirty cents on the one hundred dollars of valuation of property and a corresponding tax on every poll,an amount to supplement the county funds sufficiently to provide a six months term. This was one of the fairest methods of equalizing the burden of school support that had been employed since the counties drawing the largest proportion of their school revenue from the equalizing fund were those counties whose resources were scarcely touched by the method of raising the equalizing fund.[1]

It will be observed that the maximum rate of tax which must be levied under this law is two cents greater than that required for the preceding year. This condition arose from two causes. In the first place,there had been a deficit of $700,000[2] for teacher's salaries for the school year 1920-1921,due to an increase in the number of all teachers and to the increase in the number of trained teachers. In the second place,the breakdown of the Revaluation Act in 1921 made it impossible to raise the necessary amount of money through a maximum tax of twenty-eight cents.

The General Assembly of 1921 removed all State taxes on property,and granted to the counties,local

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1. Morrison,F.W.,Equalization of the Financial Burden of Education Among Counties in N.C.,p.20.
2. Chapter 8,Public Laws of N.C.,1921,Extra Session.

communities,and municipalities the full benefits to be derived from the property tax. At this time,the post-war deflation had just struck the State with all force. The value of farm crops decreased from $503,229,000 in 1920 to $361,000,000 in 1922;however,the value of manufactured products underwent a lesser decline.[1] Since the local units were given the sole power to levy property taxes,they were given the responsibility of the assessment of property. And quite naturally,the economic depression entered into the assessment of property,especially in the agricultural counties. The total valuation in 1920 was $3,139,705,000, whereas in 1921 it was $2,579,669,000,a decrease of $560,036,000.[2]

This unfortunate,but perhaps natural,decrease in the valuation of property,together with the economic depression,would be expected to influence the progress of public education. As stated before,some counties (mostly agricultural) had to levy a tax as high as thirty cents to bring their school term to six months. Naturally,this would have a tendency to check general local taxation for the purpose of extending the school term. Other counties,mostly industrial,were able to maintain schools for six months with a rate of tax considerably less than thirty cents. Consequently,these counties were likely to levy a little

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1. Blue Book of Southern Progress,1923 Edition,p.131.
2. Ibid.

special tax. Most of the special-charter schools were located in industrial centers where there was more wealth and they,too,were more likely to levy special taxes.

The following statistics are indicative of the conditions created by the economic depression resulting from the post-war deflation:

(INSERT HERE TABLES XXXVII,XXXVIII)

TABLE XXXVII

PUBLIC SCHOOL EXPENDITURES,1920-1928[1]

Year	Rural	City	Total
1920	$ 7,973,640.86	$ 4,240,617.34	$12,214,258.20
1921	11,564,666.30	5,923,097.40	17,487,763.70
1922	13,148,553.04	8,501,142.95	21,649,695.99
1923	17,230,352.51	12,621,436.61	29,851,789.12
1924	18,720,860.75	11,026,215.09	29,747,075.84
1925	22,207,688.97	11,770,374.71	33,978,063.68
1926	21,277,317.24	11,166,108.83	32,443,426.07
1927	23,245,715.76	13,455,785.60	36,701,501.36
1928	22,772,095.50	12,883,345.20	35,655,440.70

TABLE XXXVIII

LOCAL SPECIAL DISTRICT FUNDS FROM LOCAL TAXES,1920-1928[2]

Year	Rural	City	Total
1920	$ 935,144.20	$1,633,705.03	$2,568,849.24
1921	1,030,417.31	1,988,100.70	3,018,518.07
1922	1,696,001.06	2,741,763.11	4,437,764.17
1923	2,111,353.66	3,248,758.33	5,360,611.99
1924	2,259,197.19	3,750,167.77	6,009,364.96
1925	2,832,736.63	4,364,803.19	7,197,539.32
1926	2,899,900.05	4,127,140.71	7,027,040.76
1927	3,695,192.12	4,603,913.00	8,299,105.12
1928	3,469,207.60	4,908,994.56	8,378,202.16

1. State School Facts,Sept.1928 and Vol.V,No.21.
2. Biennial Reports of State Superintendents: 1919-1920; 1921-1922;1923-1924;1925-1926;1927-1928.

This increase in the amount of money expended for education was due primarily to four causes: first,the average school rate increased rapidly; second,there was more construction of school buildings; third,the proceeds from special taxation were greater; and,fourth,the State was assuming more of the burden of school support.

It will be observed that the expenditures were fairly stationary during the period 1923-1928.This condition would seem to indicate that either the results being obtained were satisfactory or that the source of income would not produce a greater amount of funds for the use of public education. In view of later complaints concerning the burden of taxation for schools,it would seem that the fairly uniform expenditures over several years were due to the reluctance of the people to tax themselves further.

One reason for the fairly stationary city expenditures was the fact that several special charter districts surrendered their charters and returned to the county system. The General Assembly of 1921 had anticipated such action by authorizing[1] the State Board of Education to amend or repeal special charters or acts of incorporation upon the petition of the governing

1. Chapter 179,Public Laws of N.C.,1921.

body of any city school, special chartered, or incorporated district. The surrender of these charters was a very good indication of the educational progress which had been made in the State. It was an acknowledgment that the regular means of school support were sufficient to maintain satisfactory schools in certain counties which heretofore had been unable to do so. (It will be recalled that special taxation had been resorted to because the county as a whole could not, or would not, provide satisfactory schools.)

If it were true that the fairly stationary condition of expenditures for schools was due to the reluctance of the people to accept a higher rate of taxation for schools, this condition would not have arisen had there been a closer relationship between the assessed value of property and the true value. The following table shows the inconsistency between the values.

(INSERT HERE TABLE XXXIX)

TABLE XXXIX

PROPERTY VALUES,1920-1928[1]

Year	Assessed Value	True Value
1920	$3,139,705,000	$Not Available
1921	2,579,669,000	" "
1922	2,654,517,000	" "
1923	2,654,517,000	" "
1924	2,803,000,000	4,543,110,000
1925	2,802,000,000	4,543,110,000
1926	2,920,000,000	5,284,000,000
1927	Not Available	Not Available
1928	2,963,302,911	" "

a b c d

1. Blue Book of Southern Progress,1925-26- 27-28 Editions,
   a.p.174
   b.pp.214,218
   c.pp.218,222
   d.pp.200,202

The post-war deflation naturally had its effect upon the amount of money raised for schools through taxation,but it did not cause less interest in public education. The people wanted schools and were willing to make a fair attempt to provide for current expense,but they could not raise sufficient funds with which to construct satisfactory buildings. Consequently,the State came to the rescue.

The General Assembly of 1921 authorized the issuance of State bonds in the amount of $5,000,000,the proceeds from the sale of these bonds to be loaned to the counties to aid in the erection of a larger and more permanent type of rural school.[1] This fund was to be matched by another five million dollars from the counties. This loan from the State was guaranteed by a lien upon the money accruing to the benefit of the counties from the State Public School Fund. The counties had to levy a sufficient tax to repay the annual installment and the interest. This extra expense upon the counties made a higher rate of tax necessary,as stated before,and the expenditures for buildings swelled the total amount of school expenditures.

The people were so anxious to secure funds for building purposes that additional bond issues were

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1. Chapter 147,Public Laws of N.C.,1921.

authorized by the succeeding legislatures. The General Assembly of 1923 created a second special building fund in the amount of $5,000,000;[1] a third building fund in the amount of $5,000,000 was created by the legislature of 1925;[2] and a fourth fund was established in 1927.[3] All of this money was lent on the condition that buildings of a certain size be constructed. This provision, combined with the construction of a satisfactory system of public highways, promoted the consolidation of schools and in turn caused the levying of special taxes, especially in those districts having high schools. Consolidation stimulated interest in high schools, and in order for the work in the high schools to be accepted by standard colleges and universities the school term had to be at least eight months in length. This meant two months beyond the required constitutional term and, consequently, it necessitated the levying of special taxes for the maintenance of schools beyond the required term. Consolidation effected economy in the maintenance of schools and, therefore, promoted special taxation in that people were not called upon to expend an unreasonably larger amount in return for an additional two months term.

The following statistics indicate the rapid increase in the value of school property, most of which is due to the stimulus arising from the State Building Funds:

(INSERT HERE TABLE XL)

1. Chapter 136, Public Laws of N.C., 1923
2. " 201, " " " " " 1925
3. " 199, " " " " " 1927

TABLE XL

VALUE OF SCHOOL PROPERTY, 1920-1928[1]

Year	White	Colored	Total
1920-21	$25,306,078	$ 2,896,055	$ 28,202,133
1921-22	31,610,505	3,658,465	35,268,970
1922-23	43,694,110	5,181,220	48,874,330
1923-24	53,177,235	6,580,770	59,758,005
1924-25	63,434,665	7,271,170	70,705,835
1925-26	73,729,278	8,812,550	84,541,828
1926-27	84,444,944	9,447,727	93,892,671
1927-28	90,772,114	10,157,251	100,929,365

1. State School Facts, Vol.V, No.9

The effect of this commendable building program upon high school growth, with the subsequent increase in local taxation for the maintenance of high schools as already pointed out, is shown in the increased enrollment.

(INSERT HERE TABLE XLI)

TABLE XLI

HIGH SCHOOL PROGRESS, 1920-1928[1]

White Public High Schools

Year	Enrollment**	Average Daily Attendance	Graduates
1920-21	33,076	24,852	3,710
1921-22	39,169	32,304	4,213
1922-23	58,504	45,944	6,849
1923-24	59,160	48,873	6,969
1924-25	67,086	55,731	8,246
1925-26	73,368	61,740	9,166
1926-27	81,021	68,845	10,587
1927-28	89,749	76,448	11,278
	Colored	Public High Schools	
1923-24	4,715	3,916	380
1924-25	6,507	5,442	563
1925-26	8,237	6,749	752
1926-27	9,073	7,309	1,132
1927-28	10,942	9,052	1,234

** Approximately seventy-five per cent of this increase in enrollment was in the rural schools, all of which were financed partially through special taxation.

1. State School Facts, Vol.V, No.10.

Because the commissioners of many counties could not secure the necessary funds from county revenues alone without levying tax rates that would make the burden of supporting a six months school term in certain counties wholly unequal and in many counties excessively burdensome, the General Assembly of 1923, "recognizing its duty to provide so far as possible for an equal distribution of the burden of supporting the six months school term," appropriated annually the sum of one million two hundred and fifty thousand dollars as an equalizing fund.[1] The General Assembly provided that this fund should be apportioned to counties needing aid, in such way as to encourage the counties receiving aid to improve the grade of teachers employed, and to secure efficient organization, administration, and supervision. No county was required to levy a tax of more than thirty cents (based on the 1920 valuation of property) toward the maintenance of schools for six months; however, four counties---Ashe, Burke, Robeson, and Yadkin---had to levy a maximum tax of thirty-nine cents (based on the 1922 valuation of property) before participating in the fund.[2] This was due to the great reductions in valuation of property, most of which was merely a matter of bookkeeping. Thirty-two of the wealthier counties did not share in the equalizing fund.

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1. Chapter 141, Public Laws of N.C., 1923.
2. Morrison, F.W., Equalization of the Financial Burden of Education Among Counties in N.C., p.27.

The General Assembly of 1923 authorized any local tax district having voted a maximum rate less than fifty cents to increase the levy to a maximum of fifty cents on the one hundred dollars valuation of property,real and personal.[1] (This is the maximum rate authorized by the legislatures at any time,and the action of the General Assembly of 1929,following,would seem to indicate that a rate of fifty cents is the highest that can be expected.)

The annual appropriation for an equalizing fund for the years 1925-26 and 1926-27 amounted to one million five hundred thousand dollars.[2] This was to be apportioned by "The Equalizing Fund Commission" in such manner as would bring about a more equalized distribution, with due regard being given to the school population, the distribution of wealth,the burden of taxation,the valuation of property,and the educational needs generally.

The annual appropriation for an equalizing fund for the years 1927-28 and 1928-29 amounted to three million two hundred and fifty thousand dollars.[3] An ad valorem tax of forty cents had to be levied and collected by a county before it could participate in the equalizing fund. Salaries and current expenses other than teacher's salaries was made the basis of apportionment.

1. Section 223,Public School Law,Codification of 1923.
2. Chapter 275,Public Laws of N.C.,1925.
3. " 79, " " " " " 1927.

What effect do these equalizing funds have upon special taxation? They have a tendency to lighten the burden upon those counties which experience difficulties in maintaining schools for six months, thereby enabling these same counties to make an attempt through the means of special taxation to approach the standards which have been set by the non-participating counties. It is beyond the pale of sound reasoning to expect a county to support schools for an extended term of two or three months when it cannot support them for the first six months. Until legislation by the General Assembly in 1929 it seemed quite evident that the State had resolved to level up the burden for the required term and then place the responsibility for an extended term upon the counties and districts.

It will be observed that since 1919 the State, through the equalization funds which it has established, has come nearer fulfilling its duty to provide for a general and uniform system of public education than ever before. At the same time, it will be noticed also that there has been a steady increase in the amount of money raised for the support of schools by the counties and special tax districts. This rapid increase in the appropriations for school purposes became more burdensome each year, and

naturally there arose a desire on the part of each of the contributing agencies to shift as much of the burden as possible. This condition focused attention upon the question as to what portion of the total expense should be borne by each contributing agency,and contributed largely to the causes for the appointment of a Tax Commission in 1927 to study the entire question of taxation in North Carolina.

In its report of December 31,1928,the Tax Commission had this to say concerning the application of the equalization principle to all of the counties of the State:

> "The obligation of the State to equalize the tax burden for operating expenses of the public schools of the State for the constitutional term of six months,among ninety of the one hundred counties, based upon an equalization of property values,seems generally recognized,as was shown by the increased appropriation for this purpose by the last General Assembly. There is little demand for the extension of the equalization principle to a degree of refinement that would include the other ten counties.Although tax-paying ability as among the ten counties of greatest wealth could not be precisely equal,it is perhaps as nearly equal as would be the degree of perfection in the operation of any rule that attempted to establish a theoretical equalization among them. To extend the equalization principle to the remaining ten counties upon any formula that has yet been approved would also result in the distribution of large sums to counties in this higher group with little resulting benefit to the counties having the lowest rating of tax-paying ability."[1]

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1. Report of the Tax Commission of N.C.,1928,p.8.

As proof for the argument that the equalization principle should not be extended to all of the counties, the Commission called attention to the burden of taxation in those counties and districts enjoying a more satisfactory, even if more expensive, system of public education, thus giving semi-official recognition to the more or less widespread belief that special taxation for schools had about reached the limit:

> "The heaviest burden of school taxation will be found to exist in those counties and districts of low taxable wealth that have provided schools beyond the constitutional requirement of six months, because the equalizing help from the State does not extend beyond the constitutional term, and all expenses of operation beyond six months is dependent solely on their own special taxes in addition to the regular taxes for the six months term. This burden is especially heavy in special tax districts having low taxable values, and located in counties that do not provide any equalization in operating expenses of the schools within such counties."[1]

As already pointed out, every county in North Carolina in 1928 was enjoying a school term beyond the required constitutional term of six months; therefore, there was not such need for greater State aid for the six months term unless the burden of maintaining that length of term was of greater importance than the need of a longer school term. Of course, the Commission was not opposed to an increase of the equalization fund for the six months term, but it likewise realized the need of

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1. Ibid.

a longer term by calling attention to a solution of the problem attending the extension of the term:

> "If the principle of equalization,now generally accepted,is correct as between the State and the counties,it is equally correct as between the school districts within each county. Quite a number of counties have recognized the justice of this principle and operate all schools upon a uniform basis of tax rate,length of term, supervision,etc. The extension of this principle generally within the counties would operate to equalize the tax burden and to provide relief where the need for it is greatest."[1]

As an incentive to those counties or individual districts which would maintain a system of schools beyond the required constitutional term of six months,the Commission recommended that these units be permitted to participate in the equalizing funds:

> "....and if an equitable means could be found of bringing special districts that operate beyond six months into participation in such increased appropriation (of the equalization fund), it would provide relief where there is great need for it,and where the property tax burden is bearing most heavily."[2]

It will be observed that practically all of the Commission's recommendations advance the idea that a school term in excess of six months is desirable;furthermore,it will be seen that the Commission proposes to use the special tax districts as the units through which the longer term will be obtained.

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1. Report of the Tax Commission of N.C.,1928,p.9.
2. Ibid.

Whether the General Assembly of 1929 followed the findings of the Tax Commission or whether the Commission had prophesied the attitude of the Assembly, the legislature of that year enacted legislation in conformity with the Commission's suggestions and in partial accordance with the idea that there should be an eight months school term. After increasing the equalization fund for the six months term from $3,250,000 to $5,250,000,[1] the Assembly gave substantial recognition to the eight months term by setting up the "Tax Reduction Fund"[2] of $1,250,000 as an aid to the special districts for the extended term. The significance of this legislation is very aptly explained by State Superintendent Arch T.Allen:

> "Of course,there has been permissive legislation for the extended term since 1876,but this is the first time the General Assembly has backed its judgment with a large appropriation. This makes the extended term an integral part of the public school system. Henceforth,the thinking will be in terms of eight months rather than in terms of six months. Such an attitude will contribute largely to an extended term on a State-wide basis rather than on a district basis."[3]

Elucidating upon the needs of this type of legislation,Superintendent Allen says:

> "The expansion of the school program and the rising cost of education have made it very difficult for many rural districts to operate their schools

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1. Chapter 245,Public Laws of N.C.,1929.
2. " 323, " " " " " "
3. Allen,A.T.,"Looking Forward" in The News & Observer, Educational Edition,July 28,1929,p.4.

> within the limits of funds available from ..... special taxes. At the beginning of a large consolidation,for instance,there are very few high school pupils. In a little while 20 per cent of the enrollment will be in the high school. This adds to the expense as high school instruction is more than twice as expensive as elementary instruction. Increased daily attendance makes more teachers necessary. The teaching personnel is being rapidly improved. All of these things have constantly added to the operating costs of the district school.
>
> "On the other hand,the source of revenue has steadily declined. The total district fund is dependent on ad valorem taxes. The property values in these districts have rapidly declined,thereby reducing the available support. In one year with the same local tax rates,the revenue fell off by $590,000. The increasing costs with a lessening source of revenue has kept many of these districts on the verge of bankruptcy."[1]

Provision is made in the school law of 1929 for the free admission of all high school pupils in the county to some high school,thereby giving,to all intents and purposes,a State-wide eight months school term for high school pupils.

Commenting further upon the significance of this law,Dr.Allen says:

> "It seems that the effect of this measure will be wholesome and stimulating. The whole situation with reference to the extended term is greatly clarified and simplified. An eight months term can now be set up in any county or district on the basis of a relatively low special rate.
>
> "With a definite recognition of the eight months school term through a substantial appropriation by the General Assembly,the prospects of an eight months school term are far brighter than at any time in the past."[2]

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1. Ibid
2. Ibid

Thus it will be seen that in 1929 North Carolina has more nearly a uniform system of public education than ever in the history of the State. So far as high school instruction is concerned, the system is largely uniform. Within the next few years, it is altogether probable that every elementary pupil in the State will be guaranteed the benefits of an eight months school term. When that era is reached, the people of North Carolina should be thankful for the lives of those farsighted persons who could see beyond the pale of the years to the extent that they were willing to invest a few dollars extra in the education of the youth of the State, for in reality the eight months school term and any longer term will have come into existence through the encouragement received from those schools supported partially through supplementary taxation.

CHAPTER VII

CONCLUSION

A study of the evolution of taxation supplementary to State support of schools in North Carolina since 1863 suggests these conclusions:

1. The establishment of a system of public schools in the beginning was contrary to the sentiment of a large portion of the people.

2. Even had there been favorable sentiment toward a State-controlled system of public education, the economic, social, and political conditions would not have justified the expenditures of large sums of money during the period 1868-1880.

3. The principle of special local taxation was first accepted and utilized by those more enlightened and wealthier communities which were not confronted so much with the negro problem.

4. Progress in public education has increased in proportion to the increase of interest in schools, and this interest has increased with the gradual acquisition of knowledge of the benefits of satisfactory public schools. This knowledge was produced by good systems of schools established through special local taxation in those communities which did not care to depend further upon the State's inadequate provisions for public education. Realization

of the benefits to be derived from good schools created an appreciation for the cause of public education,and this appreciation was gradually manifested in the levying of local taxes in territory adjoining that already enjoying superior educational facilities as a result of the means of supplementary taxation.

5. Throughout the latter part of the nineteenth century,opposition to the education of the negro prevented larger State support for schools and,therefore, caused more special local tax districts to be formed. At the same time,the presence of the negro retarded special local taxation in many communities,especially in the East.

6. Legislation and judicial decisions relative to schools have reflected public sentiment and general conditions in the majority of instances. Certainly there has been no violent reaction against major legislation or fundamental decisions. The reaction against the Barksdale decision took twenty-two years to come to a head in the Collie decision.

7. Schools maintained partially through special local taxation have established such satisfactory standards as to compel the State to elevate the standards of the other parts of the system through supplements in the nature of equalizing funds designed to lighten the burden of school support.

8. The equalizing funds have encouraged supplementary taxation in that better schools could then be enjoyed with no greater effort than that made before receiving greater State aid.

9. The legislatures have until recently refused to effect a permanent "leveling-up" of educational opportunities,and most attempts to equalize the burden of support for the required constitutional term have been followed with special local tax provisions which would enable those communities so inclined to go beyond the minimum standards.

10. The rapid progress of high schools and the subsequent need for more satisfactory elementary schools have in the last decade done much toward extending the employment of special local taxation.

11. One serious handicap to the progress of education in North Carolina has been the unfair and irregular methods employed in assessing property for taxation. Low assessments,of course,meant smaller proceeds from tax levies,and this condition has retarded educational progress both in the general and uniform districts and in the local tax districts.

12. Local taxation has militated against the establishment of a uniform system of public education

throughout the State in that it made progress seem "spotted". At the same time,however,the stimulus from this means of support has tended to raise the standards and promote the progress of the system as a whole.

13. The fact that nearly seventy per cent of the white children of North Carolina are now enjoying the benefits of an eight months school term,the last two months being supported partially through the means of supplementary taxation,indicates that the results of the general acceptance of the principle of special local taxation are such as to justify the leveling up of educational opportunities through the extension of the constitutional term to eight months. When that extension is made,there will be less need for special local taxation.

14. The action of the General Assembly of 1929 in appropriating one million two hundred and fifty thousand dollars for the benefit of special local tax districts makes the extended term an integral part of the public school system. This recognition of the extended term by the legislature will possibly hasten a constitutional amendment making the required term eight months.

15. Until the constitutional term is made eight months in length,there will be need for supplementary taxation as usual;however,on account of the uneven distribution of wealth and income in the State in 1929,

proceeds from special taxation in rural districts are likely to remain fairly uniform during the immediate future. Due to the surrender of special tax charters on the part of many of the smaller special charter districts, it is quite probable that the total proceeds from this means of support will remain fairly uniform in the city systems also. Furthermore, standards achieved, in so far as expenditures are concerned, are sufficient to meet the needs of the people without any abnormal increase in expenditures.

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